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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
TRANSCRIPT OF PROCEEDINGS
LOCAL PUBLIC HEARING
JANUARY 9, 2012
UNIVERSITY OF MISSOURI - ST. LOUIS
ST. LOUIS, MISSOURI
VOLUME 14
In The Matter of Missouri-American)
Water Company's Request for)File No:
Authority to Implement a General)WR-2011-0337,
Rate Increase For Water and)et al.
Sewer provided in Missouri)
Service areas.)

KENNARD L. JONES - SENIOR REGULATORY LAW JUDGE
KEVIN D. GUNN, Chairman
ROBERT S. KENNEY - Commissioner

1 A P P E A R A N C E S

2 FOR THE AMERICAN WATER:

Mr. John J. Reichart
3 Corporate Counsel
727 Craig Road
4 St. Louis, Missouri 63141
314-996-2287

5
FOR THE PUBLIC SERVICE COMMISSION:

6 Ms. Rachel M. Lewis
Deputy Counsel
7 Governor Office Bldg, 9th Floor
8 200 Madison Street, PO Box 360
9 Jefferson City, Missouri 65102
10 573-526-6715

11
12 FOR THE DEPARTMENT OF ECONOMIC DEVELOPMENT:

13 Ms. Christina Baker, P.E., J.D.
14 Governor Office Building, Suite 650
15 200 Madison Street
16 P.O. Box 2230
17 Jefferson City, MO 65102
18 573-751-5565

19
20 ALSO PRESENT:

21 Linda DeBisschop, CSR
22 Midwest Litigation Services
23 711 North Eleventh Street
24 St. Louis, Missouri 63101
25 314-644-2191

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PROCEEDINGS

JUDGE JONES: My name is Kennard Jones. I'm the Regulatory Law Judge presiding over the public hearing this evening. I hope all of you got your questions answered and I should remind you, that if you didn't get a chance to get your questions answered, you will have to wait until after this portion of the hearing and then consult with those people that you were previously asking questions of, our staff, and the company that is here because you won't be able to ask questions of us tonight specifically because our answering any question contends a bias through the hearing process.

I have a list of names here of people who have signed up to testify. It looks like about eight people. I will call those names and, when I call your name, step up to the microphone in the center aisle. I will swear you in and have you spell your name for the court reporter and then you can give testimony.

After you are finished, the Commissioner may have questions for you or not and, after that, you can go ahead and have a seat. After we go through the last name, I will give anyone else who

1 wants to testify an opportunity to do so.

2 At this time, let's take appearances of
3 the parties that are present today. Missouri
4 American Water.

5 MR. REICHART: Thank you, Your Honor.
6 Appearing on behalf of Missouri American Water, John
7 Reichart.

8 JUDGE JONES: Thank you. Staff of the
9 Public Service Commission.

10 MS. LEWIS: Thank you, Your Honor. Rachel
11 Lewis appearing on behalf of the Public Service
12 Commission

13 JUDGE JONES: The Office of the Public
14 Counsel.

15 MS. BAKE: Christina Baker appearing on
16 behalf of the Public Counsel.

17 JUDGE JONES: Are there any other parties
18 represented here tonight? If so, enter your
19 appearance.

20 MR. LOWERY: My name is Robert Lowery. I'm
21 the Mayor of the City of Florissant and I was asked
22 to be here by many, many people.

23 JUDGE JONES: I appreciate your speaking up,
24 but you haven't -- are you an attorney?

25 MR. LOWERY: No, I'm not.

1 JUDGE JONES: And, Mr. Chairman, do you have
2 any opening remarks?

3 COMMISSIONER GUNN: Just a couple of opening
4 remarks. First of all, thank you everybody for
5 coming here tonight. We will try to get through
6 this. We are here until everybody is finished, but
7 I know LSU Alabama starts in a couple of hours so we
8 will make sure that we are out. But we are here
9 until everybody is finished. I appreciate everybody
10 coming out on their busy schedule.

11 This is being transcribed. We have five
12 Commissioners on the Commission. One has not been
13 confirmed yet and one is on his way out and we do 11
14 of these. We have 11 around the State of Missouri
15 for American Water so we hand it off to one another
16 to cover all of them. We do more local hearings
17 than anybody else in the country, so we appreciate
18 public input and we are happy to hear from
19 everybody.

20 It is being transcribed and the other
21 Commissioners do get a transcript and they do read
22 it so we ask that, when you come up, spell your name
23 and speak so the court reporter can take it down.
24 But other than that, I want to thank you all for
25 coming and we are hear to listen.

1 It is frustrating, I know, that we can't
2 answer questions. It's frustrating for us too, but
3 that is what the law and procedures require us to do
4 because we sit as judges on this case. So we may
5 ask you some questions, clarifying questions after
6 you testify, but we can't answer anything
7 substantive because it's not really allowed in the
8 procedure. So I know it is frustrating and it's
9 frustrating for us too, but that is the way the
10 procedure is set up.

11 Other than that, thank you for coming. I
12 will turn it over to Commissioner Kenney.

13 COMMISSIONER KENNEY: Good evening,
14 everyone. Thank you for coming tonight to this
15 local public hearing. The only thing that I will
16 add is that your voice is an important part of the
17 record and, due to the fact that your testimony is
18 being transcribed, your testimony will become a part
19 of the record in this case. So you're important in
20 regard to the process and we appreciate you taking
21 the time out to come and make your voice heard and
22 participate. Thank you.

23 JUDGE JONES: Let's get started with Bob
24 Lowery.

25 MR. LOWERY: Good evening, ladies and

1 gentlemen, I'm Robert Lowery.

2 JUDGE JONES: Could you raise your right
3 hand.

4 ROBERT LOWERY,
5 (Being duly sworn to tell the truth, testifies as
6 follows:)

7 MR. LOWERY: My name is Robert Lowery.
8 L-O-W-E-R-Y. I'm the Mayor Emeritus of the City of
9 Florissant and I'm also -- Mike O'Meara could not be
10 here tonight. He's a County Councilman, St. Louis
11 County, but he has a proclamation and a resolution
12 from the entire City Council. I represent about
13 52,000. They represent about 1 million people that
14 are opposed to this rate increase.

15 It seems to me, that all of us don't
16 really realize, we hear it on television and we hear
17 it on radio to the point that we are disgusted with
18 it, with the economy of the United States, and we
19 have to do something about it. I do not believe
20 that American Water is attempting to do that in any
21 way, shape or form.

22 I think they are cutting back on the
23 employee's health care, but they are increasing
24 their own salaries. For example, what is disturbing
25 to me is as a citizen and as a mayor and someone

1 very involved in public life is that the profits for
2 American Water were 104 million and total revenues
3 were 1.3 billion. And for this quarter it's
4 40 percent more than this time last year and now
5 they are asking I think they had a man named Don
6 Correll. He was working as a President and CEO and
7 he had a salary of \$2.4 million and, when he left,
8 they gave him another \$1.1 million. This is
9 extremely -- I can't believe this. I mean, this is
10 what's going on in Washington people are upset
11 about. This is exactly what is going on in
12 Washington and Missouri American is no better than
13 they are.

14 I just wanted to say that I have talked
15 here tonight, but I hope you are listening and, as
16 public service commissioners and attorneys for them,
17 listening to the people. We have here an outrageous
18 report from American Water and they come in and they
19 want a rate increase from you that they should never
20 be granted.

21 The Public Service Commission should be
22 reporting to the people and, obviously, they're not.
23 I ask you, plead with you not to give them this rate
24 increase. There are people sitting in this audience
25 that cannot afford that increase. They cannot

1 afford increases that are coming along.

2 In the 10 or 11 years I was mayor of the
3 City of Florissant I held it down and I didn't give
4 myself a pay raise and I asked the city council
5 don't give me a pay raise, don't give yourself a pay
6 raise, let's hold it down.

7 And on my department, they haven't
8 received a pay raise in five years because I care
9 about the employees. I care deeply about them. But
10 the department heads are making enough, I was making
11 what I consider sufficient amount to live on with my
12 wife and I'm a father of six children and 20
13 grandchildren, so I just wanted to let you know that
14 this is very, very outrageous to me.

15 I think you should take note of this. I
16 think you should take note of everything and don't
17 just bow over to the American Water Company. This
18 has got to stop. You are not the only people asking
19 for rate increases for people in this country, but
20 everyone else is asking for increases and you should
21 take that into submission. Thank you.

22 COMMISSIONER GUNN: Thank you. If you
23 wouldn't mind, once the County Council or Mr.
24 O'Meara wants to forward the proclamation and
25 resolution to us, we can enter that into the record

1 as well.

2 MR. LOWERY: It was my belief that he did
3 send that. He talked to me before I left.

4 COMMISSIONER GUNN: We may have it. I just
5 want to make sure it gets in the record.

6 MR. LOWERY: Thank you very much and God
7 bless you all and I wish everyone a blessed 2012 and
8 the only way you can give it to us is don't give
9 them the increase.

10 COMMISSIONER GUNN: Thank you, sir.

11 JUDGE JONES: Let's next hear from Glenn
12 Jones.

13

14 GLEN JONES,

15 (Being duly sworn to tell the truth, testifies as
16 follows:)

17 MR. JONES: My name is Glenn Jones. I live
18 in Ferguson at 705 Waggell. I've been living there
19 for 30 years. The water bill has been in my name
20 for 30 years and I paid my bills for 30 years on
21 time I think once I was late which is not bad in 30
22 years. I bought the house about 20 years ago. I've
23 been paying MSD who has been putting bills on my
24 taxes. I have been paying them also.

25 In 2006 my normal water bill I would say

1 was about \$27. I live in a very small house. I
2 live by myself. I don't have a dishwasher. I don't
3 have a washing machine. I only take showers and
4 cook, that's it, and wash my dishes. And my normal
5 bill was about \$27, something like that.

6 And in 2006 I got a bill for \$80, which
7 was really -- emotionally just knocked me down. I
8 cannot afford an \$80 water bill and I called them up
9 and they, basically, you know, I think they took the
10 water bill down, but ever since 2006, my bill has
11 been going up and up. Ever since 2006 it's been
12 going up constantly and like I say I'm just one
13 person and that's all I do and there is water in
14 2006 was filling a ditch right across from my house
15 and I have an unusual water main.

16 My water meter is about 60 yards from my
17 house, it is on the corner of Waggell and Marvin and
18 there are two meters. My house and the house next
19 to me are on that corner and they run along the
20 street and underneath the street and across the yard
21 and into my house and it is about 60 yards I would
22 say.

23 In 2006 there was the ditch across the
24 street was filling up. You know, what I mean with
25 water, and there is water running down the street

1 and when I got the \$80 bill I called -- and they
2 didn't really say anything about it. I said there
3 is water running down the street and they just kind
4 of ignored it and I think they adjusted the bill. I
5 don't think I had to pay the \$80 bill, but it was
6 stressful to get the bill.

7 So from 2006 to 2010, I have a job out of
8 town where in July and August and February and March
9 I close my house down, I turn the water off to the
10 house and I turn everything off except electricity
11 for the light bulbs. But for four months out of the
12 year for four years I did not use any water. So my
13 bill just keeps going up though. I haven't used any
14 more water but my bill keeps going up.

15 So I came back in February of 2010 from my
16 out of town work in February and March and in April
17 of 2010 I'm just getting very frustrated and so I
18 called the water company and I said, listen, my
19 water bill has been going up for three years and
20 nothing has changed and my water bill, when I leave
21 town for two months twice a year, my water bill is
22 higher. It just keeps going up regardless. So I
23 asked him to check it out.

24 Like I say, I've been paying the bill for
25 30 years and they refused, absolutely refused to

1 connect me with a supervisor. They absolutely
2 refused and they refused to send anybody out to do
3 any kind of inspection at all period. They just
4 completely refused and they refused. They said they
5 would have a supervisor call me within 24 hours. No
6 one ever called. No one ever called. And they
7 refused me service.

8 I talked to the city officials and they
9 said, oh, we don't have anything to do with the
10 water company or MSD. They are the last resort for
11 me to go to somebody, you know what I mean? They
12 said, no, can't help.

13 So in April of 2011, MSD knocks on my door
14 and mind you there has been water running down the
15 street for three years, okay, and MSD knocks on my
16 door. He said, will you turn your water off and he
17 took me over to the meter which is like 60 yards
18 away and they had a microphone on there and you
19 could hear water running and water from my
20 connection in the house was turned off and there's
21 water, you can hear it. It sounded like an ocean
22 but it wasn't an ocean, but it was a lot of water
23 you could hear.

24 So anyway, they told me to make an
25 application that I had a leak and that to go through

1 the St. Louis Repair Line Program and I did and they
2 came out and they fixed it. It was a small leak
3 which had been leaking for three years or four years
4 at this time.

5 I called the American Water Company and I
6 asked to get some kind of adjustment on my bill and
7 the person I talked to refused to let me talk to a
8 supervisor and she offered me \$2.20. Two dollars
9 and twenty cents is what they offered me to adjust
10 my bill. What can you do.

11 And so they fixed the leak in front of my
12 house, but it is still soaked and there is still
13 water running down the street, so I called up MSD
14 and MSD came out and at this very same time when
15 this was happening I have a septic tank in the back
16 of my house and I had it pumped out right when they
17 fixed the leak and I came back the very next night
18 which is less than 48 hours and my septic tank is
19 full of water, so water is undermining my whole
20 house and the back of my house is sinking.

21 So the back of my house is sinking and all
22 the employees, everyone I talked to at the American
23 Water Company, every single time I talked to
24 someone, I had a different person to talk to and
25 everybody at MSD and the water company in some form

1 or another and, excuse my language, but they lied.
2 They said people would contact me and no one, you
3 know, they just refused to contact me and refused to
4 hear my story at all.

5 And for a year after I made the first
6 complaint, you know, they just ignored me so I don't
7 know what else I can do. I don't have the money for
8 a lawyer. I make about \$15,000 a year as a
9 musician. Not a lot of money. So I'm kind of
10 stretched for money.

11 So all of the employees lied at MSD and
12 Missouri Water Company. We will call you back and
13 blah, blah, blah.

14 So in July of 2011 I made a complaint to
15 the Missouri Public Service Commission and they said
16 that they were going to do an investigation and I
17 waited a couple of weeks and I didn't even hear from
18 them so I figure they were going to do their
19 investigation and they weren't even going to talk to
20 me period. So I called them up and I said don't,
21 make any decisions until I write you a letter. I
22 wrote them a letter and they sent a man from
23 Jefferson City out from Public Service Commission.
24 And I showed him where my house was sinking in the
25 back and we walked across the street where the ditch

1 is and, I guess, they are putting in a new sewer
2 line going down Waggell Street and they drill holes,
3 like wells, I guess, or whatever and the water is
4 undermining the whole, it is Waggell and Marvin
5 Street and water is undermining the whole area
6 there.

7 You don't have to be an architect or a
8 genius. You can see the whole thing is sinking
9 right next to the street and the guy from the Public
10 Service Commission I explained everything that I
11 just explained to you. He goes home and he makes --
12 he writes me a letter and anything I had said he was
13 100 percent biased for the water company, let me put
14 it that way. He walked across the street.

15 We had a drought this summer and all the
16 ground around my house just cracked in all the areas
17 and in that ditch he walked over. He hit it with
18 his foot and his foot went half way down in the
19 ground. He walked down to where my water meter is,
20 there is 6 feet of water, it's full. There are two
21 meters on the corner and they are full of water and
22 in his report he said that he sent me, he said he
23 saw no standing water which is a lie. He saw
24 standing water and you can tell that the ground is
25 soft. We've been in a drought and you can just jam

1 your foot in the ground and your foot will go in the
2 ground.

3 So, anyway, I'm caught between the
4 American Water Company and MSD and MSD got their own
5 government, you know what I mean? Just through
6 talking to people and they only go back three months
7 is my understanding and, excuse me, I got my numbers
8 messed up, but the Missouri Public Service
9 Commission on water they only offered me \$25 off of
10 my bill after he had come out and made a physical
11 inspection and everything that I had told him and
12 shown him he disregarded and I guess he has his
13 lawyers there and they manipulated everything in
14 such a way that there was no leak, there was no
15 mention of water running down the street for three
16 years. There was no investigation at all. It was
17 just a collaboration between the water company and
18 the Public Service Commission. That is all it was.
19 Everything I had said they didn't question a
20 neighbor. All they have to do is ask the neighbors
21 and the neighbors will tell them that water was
22 running down the street for three and a half years.
23 I am extremely frustrated. I've lost
24 hundreds of dollars and I feel I've been cheated out
25 of and right at this moment there is 6-foot of water

1 and I know for, at least, a year my water line was
2 running in with sewage water is what I'm assuming
3 was in the creek, I mean, was in the ditch.

4 So my water was leaking after I had called
5 and begged them to send somebody out, my water was
6 leaking into the sewage water for over a year and
7 they were informed of it and nobody cares period.
8 That is all there is to it.

9 So I'm sorry I took so much of your time
10 but, in conclusion, I would just like to say that
11 I've lost hundreds of dollars, the back of my house
12 is sinking and it's an ongoing problem.

13 I filed a complaint two weeks ago with the
14 Missouri Public Service Commission and I was told it
15 will take a year and a half to do this. So, I
16 guess, I will be get ulcers and everything over
17 this. I've already been dealing with it for four
18 years and I've got another year and a half to go and
19 I'm not any more sure now than I was then and that's
20 my story basically and it is an ongoing problem.
21 You can go over there right now and the sewers are
22 full and everybody, the guy from the Public Service
23 Commission, he lied when he wrote a letter to me
24 saying he didn't see any water in the ditch.

25 JUDGE JONES: Mr. Jones, I just realized

1 when you said that, that I'm the Judge that is over
2 your complaint so I will ask you not to talk about
3 it any more with me so it doesn't bias me. I just
4 issued your notice of complaint today and you will
5 probably get it before week's end.

6 In that notice I know you mentioned
7 something about not having resources for an
8 attorney. In that notice there is information where
9 you can contact the St. Louis University Law School.
10 They have a clinical placement program for students
11 certified to represent persons before us and you can
12 give them a call and I'll tell you they will
13 scrutinize your complaint and see if there is any
14 substance. They will see if your financial
15 situation merits you using them, but that
16 information will be in your notice of complaint, but
17 I want to just cut you off so you don't speak any
18 more specifically

19 MR. JONES: I covered what I had to say.

20 JUDGE JONES: But, I mean, you can talk
21 generally about it.

22 MR. JONES: I've tried to be as clear and
23 quick as I could and everything I've said, you know,
24 if there was any inkle of an investigation, you know
25 what I mean, it would all be very obvious, but, you

1 know, it's like you say I thought MSD, you know,
2 seems to have their own government and American
3 Water, how are they not tied together? It doesn't
4 make sense to me. Even the thing here right on the
5 front here, it says sewers and then you say that
6 they don't have any control over the sewers. I
7 don't understand that.

8 MSD, you know, and the water company they
9 are like together. It was MSD after a year that
10 came out. I don't know if the water company put me
11 on a list which I doubt, but maybe they did and it
12 took them a year but in the whole time my water is
13 leaking into sewer water and I'm sure it was
14 contaminated.

15 That's all I can say and the problem is
16 they did a little patch job and there are school
17 buses at the corner and the whole corner is sinking
18 down and, when they dug up the hole on the corner to
19 look where my water thing was, water sprocket or
20 whatever you call it, lock box, and then they just
21 fill it up with whatever they fill it up with and
22 school buses are coming down and hitting that every
23 day and I guarantee you I will have another problem
24 in a very short period of time and I'm afraid that
25 it will turn out to be another three or four year

1 thing.

2 The Public Service Commission sent me this
3 thing along with my complaint to go through. It is
4 17 pages in small type on the front and back. How
5 am I supposed to absorb this? I'm not a lawyer, you
6 know, it's ridiculous. They send me this and say
7 look at this, you know, examine this, study this.
8 This can't mean anything to me, so I feel that my
9 own city won't help me and the water company doesn't
10 care at all. I guess they are trained, the people
11 who answer the phones to just ignore any complaints.
12 Every time I talk to a different person at the water
13 company, they don't help. I can keep talking, but
14 I'm done talking. Thank you very much for
15 listening.

16 COMMISSIONER GUNN: Before you leave, I have
17 a couple of questions for you. So were there two
18 separate complaints, the one you filed two weeks ago
19 was separate from the one --

20 MR. JONES: No.

21 COMMISSIONER GUNN: One was the informal
22 process?

23 MR. JONES: Well, I've been taking it step
24 by step and the last step was the Public Service
25 Commission and he came out and then he sent me a

1 letter and then along with that letter he sent me
2 the thing to fill out for the Judge, I guess. You
3 know what I mean?

4 COMMISSIONER GUNN: So it is all contingent?

5 MR. JONES: But on the complaint I put
6 American Water and MSD. It was all combined. It
7 was water from my leak and their sewer water that is
8 undermining my whole house and the whole corner
9 where I live.

10 COMMISSIONER GUNN: And, unfortunately, we
11 don't have any jurisdiction over MSD.

12 MR. JONES: Well, somebody's got to. You
13 know, you guys separate everything so that it's
14 different but American Water did not come out --

15 COMMISSIONER GUNN: And some folks from our
16 staff are in the back and they can talk to you about
17 the interaction between MSD and how we do, but we
18 just don't have jurisdiction over them. They have
19 their own board and they have their own --

20 MR. JONES: That's what's very troubling
21 because this whole time I've been cheated out of 3
22 or \$400 by the American Water Company, but MSD is
23 responsible for property damage to my house and I
24 haven't even reached them and, even when I talk to
25 them like when they were digging up the street and

1 everything and they say you have a leak and
2 everything, it's like I told them. I said, hey, I
3 pumped this septic tank out and 48 hours later it's
4 full. They said, we will check on that. We will do
5 this and we will do that and they never did
6 anything. No one ever contacted me from MSD. They
7 refused to do anything.

8 COMMISSIONER GUNN: And I want to talk about
9 that. That complaint may actually come before us in
10 an evidentiary hearing and we will get into some
11 specific stuff, so we can just talk generally about
12 this.

13 MR. JONES: Yes, sir.

14 COMMISSIONER GUNN: The months that you were
15 away when you shut off your water, was your bill
16 showing that you were using water?

17 MR. JONES: Yes. It has been continually
18 getting larger. My most recent bill, my leak has
19 been fixed and MSD has got wells dug in the street
20 now I guess where they are controlling the water
21 that was undermining my house, although, I know it
22 is still undermining the whole area there. The
23 whole area is sinking in.

24 COMMISSIONER GUNN: And on your bill there
25 is a customer charge and then there's a usage

1 charge, so that's the only clarification I want to
2 make sure is that the actual usage, the cubic feet
3 was actually increasing when it was shut off which
4 would indicate a leak.

5 MR. JONES: Yes.

6 COMMISSIONER GUNN: And then, when you
7 called Missouri American, they didn't send anybody
8 out there?

9 MR. JONES: They refused. They refused to
10 give me a supervisor. I kept insisting that I talk
11 to a supervisor and they refused to give me a
12 supervisor. And then, when they finally did give me
13 a supervisor after I got involved with the Public
14 Service Commission, that was the only time that the
15 water company called me was after I made the
16 complaint and this has been going on for four years
17 and my water was leaking for four years and they
18 offered me \$2.20.

19 COMMISSIONER GUNN: And that was after you
20 contacted the Public Service Commission, but
21 previous to that no one even responded to you?

22 MR. JONES: They would not respond, no, and
23 I called several times. And it is like you guys are
24 telling me, well, the girl at the water company was
25 arguing with me saying, well, if there was water

1 running down the street, your bill would be 3 or
2 \$400 and that is why she refused to send someone out
3 and it's like they got a pretty good deal, you know,
4 from the beginning where your water comes out of the
5 pipe, I guess, it's all your responsibility and
6 that's a really fine deal especially when they
7 refuse to give you any service to find out if you
8 even got a leak and it's very disturbing and
9 financially hard on me, you know what I mean? And I
10 know when it started and so forth and so forth and
11 that's about all I got to say.

12 COMMISSIONER GUNN: And I apologize that I
13 can't talk to you more about your complaint.

14 MR. JONES: I understand that.

15 COMMISSIONER GUNN: But it is the same sort
16 of thing where it could potentially come before us
17 and we have a separate proceeding where we do some
18 stuff.

19 I would echo the Judge's comments. This
20 is a new program where we have student lawyers who
21 could represent people at no cost to help navigate
22 some of the proceedings. That will be in the
23 information and I suggest you take a look at that.

24 But if you wouldn't mind, also we have
25 some staff in the room afterwards. Will you just

1 let them know your name and address and where the
2 area is and make sure that they're aware.

3 MR. JONES: I have the original letter with
4 the complaint number on it.

5 COMMISSIONER GUNN: I would just appreciate
6 if you did it again tonight and if you have
7 questions about procedure tonight --

8 MR. JONES: I got 17 pages of it front and
9 back.

10 COMMISSIONER GUNN: I understand. What I'm
11 hopeful is that with the short conversation of our
12 staff we can cut through some of the technical stuff
13 and answer any questions that you have to move
14 through it. They're in the back there. I thought
15 and maybe I'm wrong, but I thought we had a
16 simplified version of the complaint procedure which
17 wasn't 17 pages and that may not be the case but
18 they can help you walk through it and answer any
19 questions tonight. So afterwards or even during
20 this proceeding they can walk outside with you and
21 have a conversation.

22 MR. JONES: I appreciate it very much.

23 COMMISSIONER GUNN: I don't have any other
24 questions, but I thank you for coming in.

25 COMMISSIONER KENNEY: Mr. Jones, I'm sorry

1 for the troubles you're having and I will not
2 belabor the issue too terribly long. I'm confused.

3 MR. JONES: And the problem is still
4 ongoing.

5 COMMISSIONER KENNEY: And I'm hopeful that
6 we will be able to move the process along for you
7 tonight and in the coming months and weeks and so
8 on. I'm terribly sorry for the difficulties you are
9 having, but I want to ask you a couple of additional
10 questions.

11 You made reference to a complaint in July
12 of 2011. Is that separate and apart from the
13 complaint you filed a couple of weeks ago?

14 MR. JONES: No. It's the same complaint.
15 It took me a little while. After he sent me the
16 letter, I wanted to get a lawyer, but I cannot
17 afford a lawyer so I was waiting and trying to
18 figure out some way to get a lawyer to deal with
19 this because I don't trust the Public Service
20 Commission quite honestly. I mean, the guy came out
21 and stuck his foot in the ground and he seen 6-foot
22 of water and in the letter when he writes to me he
23 said he never saw any standing water.

24 COMMISSIONER KENNEY: Well, that's the next
25 question I have. A couple of times I heard you

1 refer to MSD and a couple of times I heard PSC and
2 you made reference to somebody coming out to do the
3 investigation and then you made reference to
4 somebody saying they can give you \$25 off your bill.

5 MR. JONES: That was the Public Service
6 Commission guy. After he came out and made a visual
7 inspection, his offer to me was \$25 off my bill
8 which means that, you know, it's my understanding
9 that the Public Service Commission made rules for
10 the American Water Company and they only cover three
11 months. They only go back three months.

12 COMMISSIONER KENNEY: And that's separate
13 from the \$2.20?

14 MR. JONES: Well, that was the first thing
15 they offered me when I was just talking to a bill
16 lady at the American Water Company. She said we
17 will give you \$2.20 off your bill to satisfy you.
18 Of course, she didn't say for the last four years of
19 your agony and problems. But I found it just
20 utterly ridiculous and I find the \$25 utterly
21 ridiculous too.

22 Like I say, every complaint I made they
23 just sidestepped it or ignored it and it's just like
24 they're 100 percent biased toward the water company.
25 I don't know how else to put it. And that's the

1 Public Service Commission. That is the people that
2 are supposed to regulate the water company. If they
3 are doing it, you know what I mean, and they sit
4 around with the lawyers. They got a good letter.
5 They know how to dot all the i's and they do the
6 twist thing, you know what I mean? They never
7 mention that my house is sinking in the back.

8 COMMISSIONER KENNEY: Again, I'm terribly
9 sorry for your troubles. I hope you will talk to
10 the staff and they will clarify some of the things
11 you brought up.

12 MR. JONES: I hope so, sir.

13 COMMISSIONER KENNEY: Thank you.

14 JUDGE JONES: Because this is the open
15 complaint and, essentially, if there is any
16 testimony to me I will ask the representative from
17 Missouri American who is here tonight if they have
18 any questions that they would like to ask on cross .

19 MR. REICHART: At this time, You Honor, we
20 would like to reserve the right to review the
21 transcript.

22 JUDGE JONES: Sir, I'm sure you don't have
23 to reserve the right. The transcript is a matter of
24 public record.

25 MR. REICHART: And ask questions or follow

1 up.

2 JUDGE JONES: Based on the transcript you
3 mean?

4 MR. REICHART: YES.

5 JUDGE JONES: Any evidentiary hearing we are
6 in?

7 MR. REICHART: Yes.

8 THE JUDGE: Any question from the staff?

9 MS. LEWIS: We would like the same
10 opportunity and reserve our right for the part of
11 the complaint case and rate case.

12 JUDGE JONES: I understand. And the Office
13 of Public Counsel? Next we will hear from Elaine
14 Sweeney. Please raise your right hand.

15

16 ELAINE SWEENEY,
17 (Being duly sworn to tell the truth, testifies as
18 follows:)

19 MS. SWEENEY: My name is Dr. Elaine
20 Sweeney. S-W-E-E-N-E-Y. And I was alarmed when I
21 got the notice of the hearing. I'm semi-retired and
22 I'm feeling the pinches, you know, starting to cut
23 back, cut back.

24 I went back and looked at my old water
25 bills. I have a water bill from, this is August of

1 2009. The usage rate was something like \$17. There
2 is another charge on here I have no idea what it
3 means. It is I-S-R-S 100 hundred cubic feet and it
4 is 7-cents.

5 This is the bill from November of last
6 year, November 11, 2011. The usage charge has gone
7 up to \$18 and that's in the space of two years and
8 I-S-R-S, whatever that is, is now a \$1.31. The
9 bills -- and there isn't that much difference in the
10 gallons which was 12,750 in 2009; 13,500 in 2011 so
11 there is not that much difference. The bill went up
12 from \$57.91 to \$71.09. I've been living in my house
13 for 50 years and, since St. Louis County Water was
14 bought out, the bills keep going up and up and up
15 every month.

16 I think I have reached the age and the
17 stage in my retirement where it's getting a little
18 bit pinching to pay. Thank you. So on behalf of
19 all retired people and semi-retired people and
20 frugal people, I ask that you turn down your rate
21 increase.

22 COMMISSIONER GUNN: I don't have any
23 questions, but the staff in the back can explain
24 what the I-S-R-S is. We call it ISRS, but they will
25 explain to you how it works and what the adjustments

1 are. Thank you for coming, ma'am.

2 COMMISSIONER KENNEY: Ms. Sweeney, can I ask
3 a quick question. Thank you, again, for coming out.

4 Have you ever had occasion to call
5 Missouri American Water for any quality or service
6 issues or customer service issues?

7 MS. SWEENEY: No. They came out and many
8 years ago put the outdoor thing on.

9 COMMISSIONER KENNEY: That's all I have.
10 Thank you very much.

11 THE JUDGE: Next listed is Al Raterman.

12 MR. REICHART: Excuse me, Your Honor. I
13 would like to renew my objection from this
14 afternoon. Mr. Raterman is a member of Local 335
15 which is an active party that has intervened in the
16 case and, as such, has had an opportunity to file
17 testimony pursuant to the existing procedural
18 schedule and, as a matter of fact, Mr. Raterman has
19 filed testimony pursuant to that schedule.

20 In addition, I would like to renew or I
21 would like to add to my objection at this time that
22 Mr. Raterman has had an opportunity to provide
23 testimony at this afternoon's public hearing to the
24 extent and so, on behalf of the company, we find it
25 objectionable that he testified twice at the same

1 public hearing.

2 JUDGE JONES: Yes. Mr. Raterman, is there
3 anything different?

4 MR. RATERMAN: First of all, I would like to
5 say that I do have some new comments. I'm
6 definitely not here to be redundant. I will not
7 fall back on my previous statements. I have some
8 new information that I would like to share and,
9 secondly, I'm a customer, more importantly, than a
10 union officer. I became a customer of this company
11 before I became a union officer or an employee, so I
12 hope that would give me preferential treatment as a
13 customer.

14 JUDGE JONES: You can testify as a customer
15 and in the next statements concerning Missouri
16 American Water you can jump in and say something or
17 are you just listening to what I'm saying?

18 MR. REICHART: I'm sorry, Your Honor, I
19 did not hear that.

20 JUDGE JONES: Go ahead and testify. The
21 objection is overruled. I will say though, like you
22 said, try to stay away from what you talked about
23 earlier because you are a customer and witness here
24 and would you raise your right hand.

25

1 AL RATERMAN,
2 (Being duly sworn to tell the truth, testifies as
3 follows:)
4 MR. RATERMAN: Thank you, once again,
5 Commissioners, for the opportunity to speak to you.
6 As you know and for the general public at large, I
7 had the opportunity to speak this afternoon and
8 those comments are on the transcript. If any of you
9 would like to review that, please do. I think there
10 are very important comments.

11 If I may be redundant on one, I am a
12 20-year employee of the company just so you
13 understand besides being a customer and a union
14 officer. What I presented earlier in the question
15 and answer session after reviewing some of the
16 documents that the staff has put out, I just wanted
17 to make some points and that is Missouri American
18 Water came into this rate case requesting
19 \$42 million. I find it very ironic that the staff
20 has recommended 21 million. That's half of what the
21 company wants.

22 So my question to the auditor over here
23 was, doesn't that set off some alarms and bells and
24 whistles under what was highlighted on the screen
25 earlier about the company has the burden of proof

1 and they are also supposed to be prudently incurring
2 their costs. So that's a big gap. That is
3 \$21 million and I would hope that would send off
4 some alarm buttons to you all especially, you know,
5 42 and 21.

6 I also noticed that I know in the last
7 rate case the districts of St. Louis County and
8 St. Charles were merged for the financial part, but
9 now I see added on is Incline Village, which is in
10 Warren County, Mexico, Jefferson City, Lake Systems
11 and St. Joe, excuse me, Carmel, Jeff City and the
12 City of Maplewood, which is a sewer district, I
13 believe.

14 That's a tremendous jump, in my opinion,
15 from what we currently have and actually prior to
16 the last rate case it was just St. Louis County on
17 their own and St. Charles district on their own so
18 we're making some lengthy strides in a short amount
19 of time. I mean, I guess my point is I don't think
20 that's appropriate.

21 Again, decades and decades of a way of
22 doing things that have worked very well for this
23 company. As I stated earlier, this company has
24 always been very profitable under the various
25 ownerships. I didn't get into the time we were

1 owned by RBE, the German corporation, from basically
2 I believe it was around 2003 to 2008. Under their
3 ownership, they didn't have any great need for
4 change.

5 This is only under the current regime that
6 they are wanting to make all of these changes.
7 Basically, what I am referring to is the merger
8 consolidation of the districts and this uniform rate
9 that they want to implement also.

10 This last paragraph on this first page
11 also too they make mention the staff does that in
12 Jefferson City. They have 120 year old water
13 pipeline system and, obviously, that treatment plant
14 was replaced since it says prior to the rate case so
15 let me just inform you that we had the same kind of
16 issues and problems here in St. Louis County.

17 Actually, I think our problems are a whole
18 lot more larger in scope than Jeff City. I mean, I
19 believe the last I heard we had over 400,000
20 customers in the St. Louis district and I know that
21 far succeeds what Jefferson City is. So if that's
22 the logic, part of the logic, I can only assume as
23 to why because Jeff City has an old delapidated
24 system that now the customers in St. Louis County
25 get to help pay for that? I'm sorry, but I think

1 that's a pretty lame logical request, because the
2 company never used that request when they came
3 before this Commission and requested all kinds of
4 rate increases because of the delapidated obsolete
5 main replacement program that they've have had going
6 on in St. Louis County since 1995.

7 I remember coming to these hearings and
8 hearing about the Westin Engineering Model Study
9 that the company has done. Went to great length to
10 identify the problem areas in St. Louis County and
11 they got rate relief for all of that, a significant
12 amount of rate relief.

13 As you are well aware with the ISRS, that
14 is a continually revolving door for rate relief even
15 though they don't want to admit it and that's been
16 in effect since 2003.

17 So my point is, again, if they want to
18 grow the company, that's fine with me, but don't
19 always come back to the Commission and assume that
20 the rate payers get to carry the water buckets, so
21 to speak, if that's an appropriate analogy. We're
22 carrying their water bucket and I don't think it's
23 right.

24 A hypothetical question I'll throw out
25 there since I'm not sure about Cedar Hill waste

1 water system. I'm assuming that they fall into the
2 St. Louis Metro districts even though it's not
3 spelled out. So in the literature that they have on
4 Cedar Hill, they wanted 29 percent increase in the
5 Cedar Hill District. I can't recall what they
6 received in the last rate case for Cedar Hill, but I
7 do believe that, since they purchased the Cedar Hill
8 system, which is just approximately 30 miles
9 southwest of St. Louis County, which is very much,
10 you know, in a close geographical area and,
11 actually, the one supervisor that supervises one
12 employee down there is up in St. Louis County.
13 Frequently I see him a lot in the St. Louis Service
14 Center, so it is not that far to commute, but I've
15 been told since the rates from '07 purchase have
16 gone up 94 percent for that district.

17 Actually, Commissioners, back in 2002 when
18 I was president of the local, I negotiated with the
19 former president of Missouri American Water, his
20 name was Eric Thornburg. He's no longer with the
21 company. We negotiated a memorandum of
22 understanding on this ISRS infrastructure system
23 replacement surcharge agreement that all the work
24 that would be created by this legislation would be
25 done by bargaining unit members of 335.

1 The company has, for the most part, lived
2 up to that agreement up until this most current
3 negotiation last fall and they pretty much slapped
4 us in the face as an analogy figuratively and told
5 us we will not abide by that agreement any more. So
6 that is a direct insult to this local.

7 First, the company would sit down in good
8 faith and negotiate a memorandum of understanding
9 and then over the years abide by it. And now say
10 excuse my French, the hell with you all, we're going
11 to do whatever we want. So, they, basically, tore
12 the agreement up and, as I expressed earlier today,
13 they're contracting out our work. To reiterate,
14 no-bid contracts, time and material.

15 As the manager of the construction
16 department in St. Louis, Mr. Bob Clark, told me
17 that, if there's cost over-runs, the company will
18 bid the contractor. So, I mean, that's just
19 ridiculous.

20 As a customer of this company, I'm
21 insulted by that that there are no big contracts out
22 there. I can only believe what the managers of this
23 company tell me. They don't give me the ability to
24 go in there and look at their books. You have that
25 ability. They are sure not going to let Local 335

1 go over their books. I'm telling you what they told
2 me and that is exactly what they told me, that these
3 are no bid award contracts that they award to these
4 contractors to do the work that we've been doing,
5 like I said earlier, for 65 years.

6 Again, for the sake of time, I appreciate
7 again listening to me and I'll conclude my remarks.
8 Thanks.

9 COMMISSIONER GUNN: I just have a quick
10 question. Did the MOU have an expiration date?

11 MR. RATERMAN: No. There was no expiration
12 date, none whatsoever.

13 COMMISSIONER GUNN: So the MOU was, as long
14 as this is in place, the company agrees to use
15 bargaining unit employees?

16 MR. RATERMAN: That's correct.

17 COMMISSIONER KENNEY: Mr. Raterman, just one
18 question.

19 Did anybody in the course of this
20 discussion about the no-bid contracts, did they talk
21 about bonds that the contractors would have to
22 impose for cost overruns?

23 MR. RATERMAN: No, that was not mentioned,
24 sir. Through the grievance procedure they have
25 presented us through information requests we've

1 given the company a copy of their contracts. Now,
2 again, I'm not a lawyer and understand one thing,
3 all of us members that are here today, we're all
4 full-time employees of this company, plus we got
5 families at home, so I'm a part-time officer of this
6 union and these people are full time. This is what
7 they do.

8 I don't have the level and degree of
9 education that they have. I mean, I'm educated and
10 I'm comfortable standing up to them, but they have a
11 lot more resources is my point than I do through
12 their accountants and attorneys to combat what we
13 come up here and tell you.

14 But my point is is that what I'm telling
15 you what they showed me they will not sit down and
16 fully explain every detail of the contract so I
17 guess it is incumbent upon us to go ahead and do
18 that research and sometimes we have the time to do
19 it and sometimes we don't.

20 But, I'm bringing it to light tonight so
21 maybe you can ask the company some poignant
22 questions about these no-bid contracts and see what
23 they say because they are sure not talking to us.
24 Imagine that. Thanks again.

25 MS. LEWIS: Judge, I just want to preserve

1 for the record, this is staff attorney, Rachel
2 Lewis. We would like the opportunity to cross
3 examine Mr. Raterman, if necessary, at the hearing
4 and the union is represented in this matter and has
5 filed testimony just so the record is clear on that.

6 THE JUDGE: You will certainly be able to do
7 that. Next we will hear from Tom Schneider.

8

9

TOM SCHNEIDER,

10 (Being duly sworn to tell the truth, testifies as
11 follows:)

12 MR. SCHNEIDER: I too gave testimony earlier
13 today so I will condense this to a smaller version
14 for the new audience here today.

15 The union contract represents to a member
16 three things which are wages, benefits and working
17 conditions. The state of hard working employees we
18 take pride in our jobs and in the quality of work we
19 do.

20 The company is very profitable, more than
21 \$268 million in profits last year while asking for
22 concessions. They gave almost \$8 million in bonuses
23 in 2009 and \$12.5 million bonuses in 2010 to the
24 same seven executives.

25 The company will tell you that their

1 unilateral imposed contract the employees get 8.5
2 percent over four years. That sounds good on the
3 surface, but what they don't say is that for the
4 first year alone they raised their health insurance
5 premiums by 52 percent, health cost premium
6 increases will wipe out the rate before an employee
7 even reaches the new stop losses in place.

8 One thing, you know, when I was hired on
9 at the company, I was hired on because, through
10 their extensive background checking, I had honesty
11 and integrity. They didn't hire me on to pay me a
12 wage to be honest and have integrity. They checked
13 that out before we get here. You heard tonight from
14 Al Raterman about the job on Wellman Court and
15 outsourcing ISRS projects.

16 As a full time customer service worker for
17 the company, when I come to your home and I have
18 your information on my computer, I can tell how much
19 water you use. I can tell if you live alone. I
20 know your floor plan. I know if you have a dog. I
21 know if you have an alarm system and what you have
22 in your house and then the customers on their own
23 accord divulge too much information sometimes.

24 If the company outsources this work, to
25 give you an example, on Wellman Court the company

1 ADB. ADB outsourced that job two more times. So it
2 is two to three times removed from the company's
3 eyes. If they continue to do that, then your safety
4 comes into effect because I am background checked.
5 Whenever they bid out to a lower company with a
6 lesser cost, they probably also have lower
7 standards, lower guidelines, they aren't checked as
8 much and that's part of our concern for the consumer
9 as well.

10 Another thing is Tennessee American
11 Water. When the president of Tennessee American
12 Water was on the stand, he admitted that the ISRS
13 funds were funneled to New Jersey, the parent
14 company, and I asked the Public Service Commission
15 that you should look into that as well here in
16 Missouri to see if the same thing is taking place
17 because I doubt Tennessee is an isolated incident.

18 So it's possible that the rate payers
19 money that they pay in good faith to the ISRS
20 program could not go towards the change out of
21 obsolete maintenance.

22 The union members have protected rights.
23 We are able to speak out without repercussions from
24 our company. And in those protected rights, such as
25 the man who testified earlier, we do not have to

1 protect lying for the company. If that's happening,
2 it's most likely happening above our heads.

3 But what I'm saying is is that the union
4 members, this is why you have union members because
5 we have more rights. We collectively bargain
6 together and we also speak to each other and we use
7 those rights to protect ourselves and the community
8 because I'm part of the community as well and you
9 have people who are handling our water systems
10 without background checks at this day and age. It
11 only takes parts per million of some kind of
12 contaminant to go around the system.

13 Now, to the water company's credit, they
14 check the water all the time. Every day. They
15 check it for chloroform and then they know whether
16 they need to move further. I'm stating that you put
17 the water company or the citizens in jeopardy when
18 you allow the water company to outsource this and it
19 goes beyond their eyes two to three times removed.

20 One other point I would like to make as
21 kind of a side note is that to give you the idea of
22 the type of people that we are dealing with in
23 negotiations, the company required us to remove not
24 only the union bumper stickers from company vans,
25 but also the American flag with a company that bears

1 the name American in its side logo on the doors, so
2 we had to negotiate to get the flag put back on the
3 trucks. I find that rather ironic, but that's the
4 people we deal with. Thank you.

5 COMMISSIONER KENNEY: Thanks again for
6 taking the time to come out here tonight. I'm
7 curious how is it that you came to be aware of what
8 was transpiring in the Tennessee case?

9 MR. SCHNEIDER: Because our national union
10 with national negotiations that involves 69 unions
11 throughout the country, we all meet at the same
12 location and, of course, we intermingle and talk
13 about things going on in our locals. It is part of
14 the testimony in Tennessee American Water and you
15 can probably attain that through public record in
16 the last public rate case.

17 THE JUDGE: Next is George Huntington. .

18 MR. HUNTINGTON: Excuse me, sir. I have
19 to apologize to you but, when I came in, I was
20 picking up the literature and a man was signing in
21 and I guess my military training clicked in and I
22 signed in too.

23 JUDGE JONES: That means you don't want to
24 testify?

25 MR. HUNTINGTON: That's right. I'm sorry

1 that I signed that. I guess it is out of habit. I
2 didn't read it. I just signed it.

3 JUDGE JONES: That's not a problem.

4 THE JUDGE: Rich Weyrauch.

5 RICH WEYRAUCH,

6 (Being duly sworn to tell the truth, testifies as
7 follows:)

8 THE JUDGE: Could you state and spell your
9 last name.

10 MR. WEYRAUCH: Rich Weyrauch,
11 W-E-Y-R-A-U-C-H. I live in Ferguson and I'm a rate
12 payer and I'm also a mechanic at the plants and I'm
13 concerned about the plant maintenance. We are still
14 producing good quality water, you know, the stuff
15 that came out from the Public Service Commission,
16 the quality is good, most of the time the service is
17 good, but I'm worried about the dependability.
18 Things are spiraling down and we're not getting the
19 money at the plants to maintain them. That's my
20 personal opinion.

21 But these gentlemen here I haven't seen
22 them looking at the plants for ten years. That's
23 pretty much all I have. Everybody else got
24 everything else.

25 THE JUDGE: Thank you, sir. Sandra Ward.

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SANDRA WARD

(Being duly sworn to tell the truth, testifies as follows:)

MS. WARD: My name is Sandra Ward and last name is W-A-R-D. I'm a citizen of Florissant and I've been for 20 years and I pray that you don't give an increase on anything that will be a hardship to any family. If you're rich, you don't have a problem but it will be a hardship for 18 percent, of any increase it will be hard. It is really going to be hard and I speak for any person. I'm retired, but there are a lot of people out there that are senior citizens that are retired and people just living trying to make it. How can you make it when you get an 18 percent increase. That's crazy. That's crazy. We just can't do that. You're expecting us to do a whole lot and it is not right. We have to have water. We want best water but the way it is going now, what are we going to do, just die off and have water. We still got bills to pay. We still have all other bills. We still have mortgages and everybody else's is increasing. We can't afford to pay 18 percent and I just beg you, please, don't do any increase and that's all I have to say.

1 COMMISSIONER GUNN: Thank you, ma'am, I
2 don't have anything. Thank you for coming tonight.

3 JUDGE JONES: We come to the end of the
4 list. Is there anyone here that would like to
5 testify? Yes, ma'am.

6
7 BRENDA MILLER,
8 (Being duly sworn to tell the truth, testifies as
9 follows:)

10 MS. MILLER: My name is Brenda Miller,
11 M-I-L-L-E-R. I don't have much to say, but this I
12 have to say. I live on a fixed income and it's hard
13 paying for food and stuff like that, the necessities
14 of life, you know, so an 18 percent increase is
15 outrageous. I don't have no more income but just
16 one Social Security check. That's it. No SSI, no
17 nothing else. That's it and I just want to let you
18 all know that, please, don't do that, please. Thank
19 you.

20 THE JUDGE: Thank you, Miss Miller. Is
21 there anyone else? Mr. Chairman, do you have
22 closing remarks.

23 COMMISSIONER GUNN: Just quickly. Once
24 again, thank you everybody for coming tonight. This
25 is about the middle of the process. We will have, I

1 think, we have three more local public hearings to
2 go. We will start the evidentiary hearing on
3 February 21st. That is when the next one is
4 scheduled. Those can be viewed either live or
5 recorded on our website at www.psc.mo.gov.

6 If you know folks that couldn't come out
7 in person to one of these local public hearings, all
8 customers should have received a comment card in the
9 mail. They can do it through our website or they
10 can do it through a telephone call or letter. All
11 of those comments will be logged into the record and
12 into our system. Phone numbers are on some of the
13 literature outside. There's a toll free number as
14 well.

15 But other than that, all your remarks have
16 been transcribed and been part of the record and we
17 very much appreciate you coming out tonight and
18 sharing with us your views on this. We really
19 appreciate it. Thank you.

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CERTIFICATE OF REPORTER

I, Linda DeBisschop, Certified Shorthand Reporter, Notary Public within and for the State of Missouri, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn by me; the testimony of said witness was 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 of the parties to the action in which this deposition was taken, and further that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action.

Notary Public within and for
the State of Missouri

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