TRANSCRIPT OF PROCEEDINGS PUB. HEARING - January 22, 2018

STATE OF MISSOURI PUBLIC SERVICE COMMISSION

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## TRANSCRIPT OF PROCEEDINGS PUB. HEARING - 01/22/2018

1 STATE OF MISSOURI PUBLIC SERVICE COMMISSION 2 TRANSCRIPT OF PROCEEDINGS 3 Local Public Hearing 4 5 Riverside City Hall Board of Aldermen Chambers 2950 NW Vivion Road 6 Riverside, Missouri 64150 7 Volume 4 File Number WR-2017-0285, et al., 8 In the Matter of Missouri-American 9 Water Company's Request for Authority ) 10 to Implement General Rate Increase for ) Water and Sewer Service Provided in ) 11 Missouri Service Areas. ) 12 KIM S. BURTON, Presiding SENIOR REGULATORY LAW JUDGE 13 WILLIAM P. KENNEY, Commissioner RYAN SILVEY, Commissioner 14 For Missouri-American Water Company: 15 Mr. Timothy Luft, Vice-President Legal Missouri-American Water Company 16 727 Craig Road St. Louis, Missouri 63141 17 For the Office of Public Counsel: Mr. Ryan Smith, Senior Public Counsel 18 200 Madison Street, P.O. Box 2230 19 Jefferson City, Missouri 65102 20 For the Public Service Commission: Mr. Jacob T. Westen, Deputy Counsel 200 Madison Street, P.O. Box 360 21 Jefferson City, Missouri 65102 22 For the City of Riverside, Missouri: Mr. Joe Bednar, Attorney at Law 23 Spencer Fane, LLP 24 304 East High Street Jefferson City, Missouri 65101 25

1	JUDGE KIM BURTON: Let's go ahead and go
2	on the record in File Number WR-2017-0285, et al,
3	In the Matter of Missouri-American Water Company's
4	Request for Authority to Implement General Rate
5	Increase for Water and Sewer Service Provided in
6	Missouri Service Areas.
7	Today is January 22nd, 2018, and the
8	time is approximately 6:04 p.m. We are located in
9	the City of Riverside in the Board of Aldermen
10	Chambers at Riverside City Hall. My name is Kim
11	Burton, and I am the Regulatory Law Judge with the
12	Missouri Public Service Commission. We have with
13	us a few commissioners. First, before I introduce
14	them, I will ask the parties to enter their
15	appearance for the record. We will begin with
16	Missouri-American Water Company.
17	MR. LUFT: Thank you, Judge. Tim Luft
18	with Missouri-American Water and I have provided
19	the court reporter with my information.
20	JUDGE KIM BURTON: Thank you, Mr. Luft.
21	On behalf of the Staff of the Missouri Public
22	Service Commission?
23	MR. WESTEN: Thank you, Judge. My name
24	is Jacob Westen. My address is 200 Madison
25	Street, P.O. Box 360, Jefferson City, Missouri

1	65102, and I am representing the Staff of the
2	Missouri Public Service Commission.
3	JUDGE KIM BURTON: Thank you, Mr.
4	Westen. On behalf of the Office of Public
5	Counsel?
6	MR. SMITH: Thank you, Judge. Good
7	evening, Commissioners. Ryan Smith on behalf of
8	OPC, Public Counsel. My information has been
9	given to the court reporter.
10	JUDGE KIM BURTON: Thank you. On behalf
11	of the City of Riverside.
12	MR. BEDNAR: Joe Bednar, 304 East Dodge
13	Street, Jefferson City, Missouri. Spencer Fane
14	Law Firm.
15	JUDGE KIM BURTON: Thank you, Mr.
16	Bednar. Are there any other parties that are
17	present today? Okay, seeing no hands. I want to
18	welcome everyone for attending today. Just to
19	give you a little bit of introduction, there are
20	five commissioners, and today we have two of the
21	commissioners that are here with us today. On my
22	left is Commissioner Bill Kenney, and on my right
23	is Ryan Silvey, and I would like you to welcome
24	Ryan Silvey to his first local public hearing
25	since being appointed a few weeks ago by the

1	Governor to the Public Service Commission.
2	Now, I do have a list that has been
3	provided of those individuals who have indicated
4	that they would like to provide testimony today.
5	So what will happen, is I will call your name and
6	have you come forward to the podium, lectern, and
7	state your name and I will swear you in under
8	oath. You can make your statements. We are going
9	to ask you to state whatever statements you would
10	like the Commission to consider, because this will
11	be the official part of the record, so that all
12	five commissioners can review this, all the
13	parties can review this, and this will be
14	considered as part of the evidence when the
15	Commission makes their considerations and
16	deliberates on this case.
17	Now, I know that some parties or some
18	individuals might be here and might hear something
19	and think, "Well, I don't need to testify after
20	that." That's fine, if you don't want to. Other
21	individuals might think, "Okay, I hear something
22	that reminds me of something that I would like to
23	say." So after we are done with the list of
24	individuals who have indicated they would like to
25	testify, I will also give an opportunity for

1	anyone else who would like to come forward and
2	present their own testimony. And I would also, as
3	a special request, just state that if there are
4	any individuals who are customers of
5	Missouri-American who have any concerns about lead
6	in their lines or have any issues with lead in
7	their water, or with their service lines, to also
8	come forward and provide your testimony while we
9	are on the record. And that means that anything
10	that you might have stated before in the Question
11	and Answer Session is not going to be considered
12	by the Commission as part of the evidence. So if
13	you would like the Commission to consider it,
14	again, please feel free to offer your testimony.
15	Now, there is a court reporter here, and
16	he will be taking down everything you say. So I
17	will ask you to please speak slowly and enunciate.
18	Please remain up to at the lectern after you are
19	done, because some of the Commissioners or myself,
20	or the parties and their attorneys might have some
21	questions for you as well. Okay? Thank you for
22	coming and I will begin with Ms. Kathy Rose.
23	Would you please raise your right hand.
24	(The oath was administered.)
25	JUDGE KIM BURTON: Would you please

1	state and spell your name for the record.
2	MAYOR KATHY ROSE: My name is Kathy
3	Rose, R-o-s-e. I am a resident of the City of
4	Riverside, Missouri. I am also Mayor for the City
5	of Riverside, Missouri. I would like to begin,
6	first of all, by thanking you for coming here this
7	evening and allowing us this opportunity to speak.
8	And congratulations to you, Senator Silvey.
9	I wanted to start by saying that I feel
10	like it is a broken record. This is our sixth
11	time in 11 years that I have been the Mayor for
12	the last 12 that we have had to come before you
13	for rate increases. Two years ago we were very
14	successful and put us instead of a single tariff
15	district or district specific, we went into a
16	consolidated district and our residents here got a
17	little bit of cost savings for the water. And it
18	was very much appreciated, and it is probably in
19	the last two years, what my citizens still say to
20	me the most, "Thank you for everything that you
21	did on getting us some relief on water."
22	So here we are again. We have a new
23	facility that has just come on line that
24	Missouri-American has put in in the City of
25	Parkville. And I am appealing to all of you again

1	to say, I understand that we have this new plant.
2	I understand it is going to have to be paid for,
3	but it cannot be paid for solely on the backs of
4	just a few people in the district. I know it is
5	bigger than it was, but I am really a proponent of
6	consolidation and single tariff pricing.
7	So I am here to request that, that all
8	consideration be made, because we really need to
9	spread those costs out so that everybody has some
10	skin in the game and it is just not a few.
11	So as far as the other big issue two
12	years ago, it was water quality. And Mr.
13	Churchill is here this evening, and I am hopeful
14	that you will respond to his water quality issues,
15	but apparently it is still a problem. I have not
16	heard from anybody else in my community in two
17	years regarding it, but apparently there are
18	issues that still need to be taken care of. So
19	hopefully we can get those addressed as well.
20	I will just leave you with, again, the
21	City of Riverside has been a very good partner in
22	this area, and we are willing to do whatever it
23	takes for our residents and for our neighboring
24	communities. I am here to ask you again to
25	consider the single tariff package. Thank you

1	very much.
2	COMMISSIONER KENNEY: Good evening,
3	Mayor. It is good to see you again. I appreciate
4	your service to your community. Did you ever tour
5	that old facility?
6	MAYOR KATHY ROSE: I did not.
7	COMMISSIONER KENNEY: Well, I did. It
8	was in very bad shape. I am happy that American
9	Water has put that forth. If you recall, I don't
10	know if you followed it, but last year we went
11	from seven tariffs down to three tariffs. And I
12	was one of those ones who pushed for a single
13	tariff, but it was mainly based on a different
14	problem, of a lot of our small water and sewer
15	districts who just we are dealing with one
16	right now, they are getting a 450 percent
17	increase, which is difficult. I just want to say
18	thank you for your service. I appreciate your
19	testimony.
20	MAYOR KATHY ROSE: Thank you very much.
21	JUDGE KIM BURTON: Thank you. Mr. Jim
22	Churchill. Oh, Tim Churchill.
23	MR. TIM CHURCHILL: Good evening.
24	JUDGE KIM BURTON: Would you please
25	raise your right hand.

1	(The oath was administered.)
2	JUDGE KIM BURTON: Will you please state
3	and spell your name for the record.
4	MR. TIM CHURCHILL: Timothy Paul
5	Churchill. C-h-u-r-c-h-i-l-l. I am a resident of
6	Riverside in the Montibello Subdivision.
7	JUDGE KIM BURTON: Thank you. You may
8	begin your testimony. You can state whatever you
9	would like the Commission to consider.
10	MR. TIM CHURCHILL: The increase, they
11	explained it to me. Are the residential people
12	absorbing this requested increase or is it spread
13	across the industrial commercial?
14	JUDGE KIM BURTON: I am not allowed to
15	answer any questions you might have at this time.
16	But if you have any questions about the rate
17	making procedure and the rate request,
18	representatives Mr. Luft, Mr. Smith and Mr. Westen
19	are more than willing to answer your questions
20	after the hearing is concluded.
21	MR. TIM CHURCHILL: We will work through
22	Kathy and the attorney.
23	JUDGE KIM BURTON: They will be right
24	here after this hearing is done.
25	MR. TIM CHURCHILL: Okay.

1	JUDGE KIM BURTON: Did you have anything
2	to offer as far as water quality concerns?
3	MR. TIM CHURCHILL: I offered at the
4	beginning. I will be happy to do the same under
5	oath if that matters for the record.
6	JUDGE KIM BURTON: That would, sir.
7	MR. TIM CHURCHILL: The water capacity,
8	the flow of water in our house diminished greatly.
9	At first we had to change the aerators. They are
10	\$2.00 at Home Depot Store, okay? And you change
11	those and it works a little bit better. And in
12	another three months you are back to the same old
13	thing again. The same with shower heads. There
14	are only two of us in the house, my wife and
15	myself. We have replaced multiple shower heads,
16	the \$9.95 ones. I have spent \$70 and \$80 for
17	them, and they still clog. Okay.
18	It is harder to go in and clean that.
19	There is no there is a filter that protects
20	that. The filter gets clogged, but it actually
21	some of that stuff passes right on through.
22	Nobody has addressed "The plant is outdated,"
23	dah-dah, dah-dah, dah-dah. Right, okay. Why
24	this has been going on for a long time.
25	At the earlier meeting when this

1	happened two wears are some of the older
	happened two years ago, some of the older
2	residents said that they were replacing their
3	water heaters. Older retired residents replacing
4	it every two to three years at \$1,000 or more. It
5	fell on deaf ears. The pop-off valve submitted.
6	Okay. I could have gone and pulled the one that
7	is on there today, but I don't mess with that, I
8	hire a plumber, and I had him replace the correct
9	valve on there and gave me the old one. We are
10	just getting misinformation. "Drain your water
11	heater." I don't think we are getting the whole
12	story. I don't think that yes, the plant needs
13	to be improved, but how much are we responsible
14	for? Why should we have to pay the whole thing?
15	JUDGE KIM BURTON: Thank you.
16	COMMISSIONER KENNEY: Thank you, sir.
17	JUDGE KIM BURTON: I believe it is Nan
18	Johnston. Would you please raise your right hand.
19	(The oath was administered.)
20	JUDGE KIM BURTON: Will you please state
21	and spell your name for the record.
22	MAYOR NAN JOHNSTON: Nan Johnston. That
23	is N-a-n J-o-h-n-s-t-o-n. I am the Mayor of
24	Parkville. Before I start my formal testimony, I
25	would like to say that we have had no reported

1	quality issues, water quality issues from
2	Parkville residents. The only issue that I am
3	aware of is a temporary decrease in capacity
4	experienced by some of our customers recently, but
5	those are easily explained by just things that
6	happen. Waterline breaks and things like that.
7	It was not a complete disruption of service. That
8	is the only problem that I am aware of in the last
9	year.
10	The City of Parkville is appreciative of
11	previous district consolidation. And while
12	consolidation has resulted in a cost reduction for
13	our residents, capital improvements will continue
14	to increase the rates for our small town and small
15	district customers. We support single tariff
16	pricing, and we urge the Commission to consider
17	consolidation of the remaining districts
18	state-wide, allowing Missouri-American Water to
19	take advantage of lower costs and pass those cost
20	savings along to their customers.
21	If consolidation does occur, the City of
22	Parkville believes that a provision for rate
23	relief for St. Joseph and other cities, who may
24	have already paid for large capital improvements,
25	such as new water treatment facilities and water

1	plants through higher rates, should be considered.
2	Some sort of provision for rate relief in those
3	areas we feel is appropriate.
4	We respectfully ask the Commission to
5	allow state-wide district consolidation to provide
6	relief from higher than average water rates, and
7	to provide stability to the ever increasing cost
8	of living for our residents. Thank you very much.
9	COMMISSIONER KENNEY: Mayor, again,
10	thank you for your service, I appreciate that, to
11	your community. Two years ago when we were here,
12	there was one neighborhood specifically that had
13	random houses random, not five neighbors in a
14	row, one here, one there, but I don't see that
15	individual here today, I don't think. There were
16	a couple others. So you haven't heard any more
17	complaints about that since?
18	MAYOR NAN JOHNSTON: We have not. Now,
19	it is possible that some of those residents are
20	involved in the lawsuit. It is difficult in
21	Parkville, our city limits are not easily
22	identifiable. We do have some neighborhoods that
23	are split. Thousand Oaks, for example, has
24	partial Parkville residents and partial county
25	residents. Sometimes it is difficult to identify

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1	who is a resident. But complaints to City Hall in
2	the past year, we have had none.
3	COMMISSIONER KENNEY: Thank you very
4	much.
5	JUDGE KIM BURTON: Thank you. John
6	Smedley. Please raise your right hand.
7	(The oath was administered.)
8	JUDGE KIM BURTON: Please state and
9	spell your name for the record.
10	MAYOR JOHN SMEDLEY: John Smedley.
11	J-o-h-n, S-m-e-d-l-e-y. I am a resident of the
12	City of Platte Woods and also Mayor for the City
13	of Platte Woods. So I am going to speak to the
14	Commission and the Representatives also.
15	First off, I do want to inform the
16	Commission that there are some pending lawsuits
17	for residents, so I want to make you guys aware of
18	that. That came up in the last testimony, so I
19	want to clarify that. I also want to state that
20	for our residents, we want to look at the lowest
21	possible cost for services, cost of rate increases
22	for the City of Platte Woods, which whatever is
23	the best interest that the Commission sees, we are
24	in favor of that. We also would like to support
25	the position last year or two years ago when

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1	they consolidated, that again gave my Platte
2	County residents and community a big decrease. We
3	want to make sure that things continue to improve.
4	On the cost side, that is our position.
5	On the operational side, we still have a
6	few residents we all get calls in the City
7	Hall. There is still a little bit of staining and
8	a little bit of filter clogging. On the
9	operational standpoint, there are changes that are
10	made. Being in City Hall we are not always
11	notified properly. The reason I was out marking
12	today was, they are replacing something and we
13	just found out. So the communication isn't as
14	good as we would like it, because it puts some of
15	our residents on notice, and we even had an
16	incident last week where we were given 20 minutes
17	notice that it was going to be turned off. We
18	couldn't get the word out. They usually don't get
19	that word out. So that puts us at a disadvantage.
20	It is also connected to an adjoining
21	community, Lake Waukomis, because the main runs
22	through our city, we have to have a
23	Missouri-American owned tour in our city limits
24	that serves that other community. They also were
25	cut-off. So a little bit more communication would

1	help.
2	Then the third item on operations was,
3	we had an emergency shutdown and we needed to get
4	in contact with people, and the only numbers we
5	could get were the 800 number and the local
6	number, and we didn't get any response. So we had
7	some problems in that area.
8	JUDGE KIM BURTON: Currently how many
9	residents are there in Platte Woods?
10	MAYOR JOHN SMEDLEY: If they all filled
11	out the census, there would have been 512. The
12	sign says 484.
13	COMMISSIONER KENNEY: Did you change the
14	sign? I appreciate your service. This will be
15	the first meeting I have attended, starting my
16	sixth year, where there are three mayors at.
17	MAYOR JOHN SMEDLEY: Thank you.
18	JUDGE KIM BURTON: Thank you. I'm
19	sorry, could you please step up.
20	MR. LUFT: Do you have her phone number?
21	I want to make sure she gives you her phone
22	number.
23	MAYOR JOHN SMEDLEY: Talk to my staff.
24	I am rarely in.
25	JUDGE KIM BURTON: Just for the record

1	to note, in case the court reporter didn't clarify
2	that. Mr. Luft had offered some contact
3	information for you.
4	MAYOR JOHN SMEDLEY: Yes.
5	JUDGE KIM BURTON: Okay. Next we have
6	John Erickson.
7	MR. JOHN ERICKSON: Good evening.
8	JUDGE KIM BURTON: Would you please
9	raise your right hand.
10	(The oath was administered.)
11	JUDGE KIM BURTON: Would you state and
12	spell your name for the record.
13	MR. JOHN ERICKSON: John, J-o-h-n,
14	Erickson, E-r-i-c-k-s-o-n. I am a resident here
15	of Riverside, Missouri. Kathy is our wonderful
16	Mayor. I have a couple concerns. As I received
17	this nice publication from Missouri-American
18	Water Company Notice of Public Hearing. There are
19	a couple statements that contrast each other, and
20	there is some sort of iffy wording on their
21	statements about this rate request increase.
22	Politics is politics, and there are gray areas for
23	us. That's what I would like to addressed today
24	just for a moment. I won't take up too much of
25	your time. I appreciate you coming here, by the

1	way, to listen to us.
2	On this one page here, it says, "Change
3	in water rates and sewer rates requested." This
4	is a publication from the Missouri-American Water
5	Company. It says, and I quote, "Who will
6	determine the rates that customers will pay?" And
7	it goes on. I won't give you the whole thing. It
8	says, "As a regulated investor-owned utility,
9	Missouri-American Water may have only change rates
10	after an extensive and formal legal process
11	conducted by the MO-PSC. This process requires
12	the following:" Then it lists a bunch of these
13	things.
14	On the reverse page it has a little
15	chart over here. And it says the Why's and
16	Wherefore's. Then it says, and I quote, "The
17	proposed impact of the rate adjustment to waste
18	water rates for approximately 100 customers in
19	Platte County will take customers" the next one
20	down.
21	"This case also seeks approval to
22	implement two regulatory mechanisms. The first is
23	a revenue stabilization mechanism, which would
24	allow the company to adjust future rates up or
25	down to ensure the company recovers no more or no

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1	less revenue than authorized."
2	"The second is a request to establish a
3	future test year that will allow rates to be
4	established based in part on historical data and
5	estimated future spending." Right there is my
6	problem, because you are giving us sort of a carte
7	blanche. You are saying, "Company, you be fair or
8	we are going to trust you to be fair. We will
9	make these decisions based on what we see." I
10	don't see the public, as much public input and
11	expression of concern allowed. It is going to be
12	an auto audit, the company says they need it, they
13	get it. That seems to be the tenor politically
14	throughout the nation, by the way. That is just
15	my concern.
16	COMMISSIONER KENNEY: Can I address
17	that, sir? I was going to address this in my
18	closing, but I might as well tell you now. Mr.
19	Silvey and I, Commissioner Silvey and I, are two
20	of five commissioners. Since this is on the
21	record, the other three commissioners will get to
22	review everything you've said. This process takes
23	about 11 months, and this is just a singular event
24	in that process. Just because American Water says

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1	get what is in the record. What we decide as five
2	commissioners to allow them what we think is fair
3	and equitable and just rates, that they can
4	provide you. So they get a just rate for
5	providing the service. So just because they say
6	these are the things they are seeking, there are a
7	lot of intervenors who won't like those issues.
8	It is just one step in the process. You can watch
9	it online when we have a hearing on February 20th.
10	JUDGE KIM BURTON: 26th.
11	COMMISSIONER KENNEY: 26th. We actually
12	will have two weeks set aside for a Court Hearing
13	so that we will determine those. I appreciate
14	your concern, but it is not necessarily
15	companies don't always get what they want, and we
16	try to balance it. But I appreciate that.
17	MR. JOHN ERICKSON: One more comment I
18	would like to make as a good American,
19	red-blooded, tax paying American for 50 years of
20	work and so forth. I do appreciate the need to
21	make a profit, but I think the key word is
22	reasonable. Because they did come before us and
23	say, "We are not making enough return on our
24	investment." I don't know how much "enough" is,
25	it is hard to quantify that these days. Hopefully

1	we will all have a win/win. They'll make some
2	money and we will share the problems and the joys
3	of that. Thank you very much.
4	COMMISSIONER KENNEY: Thank you for your
5	testimony.
6	JUDGE KIM BURTON: Thank you. Are there
7	any other individuals who did not sign up who
8	would like to offer testimony for the Commission's
9	consideration? Okay. Seeing no hands. I just
10	want to reiterate what Commissioner Kenney has
11	previously just stated. This Commission has two
12	weeks, essentially, of local public hearings.
13	This week we will be traveling to St. Joseph,
14	Missouri, Warrensburg, Warsaw, next week to the
15	St. Louis area, Branson and Joplin.
16	If you are interested in attending any
17	of those hearings, our list and a schedule is on
18	the Public Service Commission's Internet website,
19	and you can also, at the conclusion of this
20	hearing, talk to any of the representatives for
21	the parties, Mr. Luft, Mr. Smith, Mr. Westen and
22	Mr. Bednar, and they can provide that information
23	to you as well.
24	Now, if you are interested in actually
25	observing and attending the hearing just to

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1	observe, we have the hearing scheduled beginning
2	February 26th and it will last through March 9th,
3	excluding weekends. That will be in Jefferson
4	City, in the Public Service Commission's Office.
5	That is in Hearing Room 310. That is also
6	available, if you would like to watch, it will be
7	live-streamed as well. You can find information
8	on how to observe that hearing through the
9	Commission's Internet website as well.
10	I want to thank everyone for coming and
11	participating and observing, and also to the
12	representatives for the different parties for
13	participating in this hearing as well as the
14	Question and Answer Session.
15	COMMISSIONER KENNEY: I would like to
16	also thank the staff of the Missouri Public
17	Service Commission and the Office of Public
18	Counsel. They do an excellent job of trying to
19	answer your concerns and your questions. They are
20	above board and I appreciate OPC and staff and
21	their attorneys, because they had a late night to
22	get back home. They have already gone to one
23	place earlier today, but they try to serve the
24	public, because that is their job. They do an
25	excellent job. Again, I appreciate you coming

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1	out.
2	JUDGE KIM BURTON: Before we do go off
3	the record, I just want to point out again for Mr.
4	Churchill, if you are here still, that
5	representatives for the parties and from staff
6	will be here to answer any questions you might
7	have about the rate case at the end of this
8	hearing. Thank you everyone and we will now go
9	off the record.
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#### TRANSCRIPT OF PROCEEDINGS PUB. HEARING - 01/22/2018 24 TRANSCRIPT OF PROCEEDINGS PUB. HEARING - 01/22/2018 24

### CERTIFICATE

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2 3 I, JAMES A. LEACOCK, Certified Court Reporter, do hereby certify that I appeared at the time and place 4 5 hereinbefore set forth; I took down in shorthand the 6 entire proceedings had at said time and place, and the 7 foregoing 23 pages constitute a true, correct and 8 complete transcript of my said shorthand notes. 9 Certified to this 24th day of January, 2018. 10 11 James a. head 12 13 14 15 James A. Leacock, CCR. 16 Certified Court Reporter No. 662 (G) 17 State of Missouri 18 19 20 ORTER 21 22 E OF MI-23 24 25

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