

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

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In The Matter of)
Missouri American)
Water Company's)
Request for)
Authority to)
Implement General) File Nos. WR-2022-0303
Rate Increase for) and SR-2022-0304
Water and Sewer)
Service Provided)
in Missouri)
Service Areas.)

WEBEX VIRTUAL PRETRIAL CONFERENCE

BEFORE JUDGE RON PRIDGIN

AUGUST 3, 2022

REPORTED BY STACY L. HEARST, CCR 923

Stacy L. Hearst, CCR
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314.795.6122

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

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Missouri American)
Water Company's)
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Implement General) and SR-2022-0304
Rate Increase for)
Water and Sewer)
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Service Areas)

PRETRIAL HEARING, produced, sworn,
and examined on August 3, 2022, between the
hours of eight o'clock in the forenoon and six
o'clock in the afternoon of that day via WEBEX
before Stacy L. Hearst, a Certified Court
Reporter in and for the State of Missouri in a
cause now pending before the Public Service
Commission, State of Missouri regarding In The
Matter of Missouri American Water Company's
Request for Authority to Implement General Rate
Increase for Water and Sewer Service Provided
in Missouri Service.

A P P E A R A N C E S

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JUDGE RON PRIDGIN PRESIDING:

TRIUMPH FOODS, LLC
Joshua Harden, Esq.
Collins & Jones, PC
1010 West Foxwood Drive
Raymore, Missouri 64078

MIDWEST ENERGY CONSUMERS GROUP:
Tim Opitz, Esq.
308 East High Street, Suite B-101
Jefferson City, Missouri 65101.

CITY OF RIVERSIDE, MISSOURI:
Joe Bedner, Esq.
Spencer Fane
304 East High Street
Jefferson City, Missouri 65101.

MISSOURI AMERICAN WATER COMPANY:
Dean Cooper, Esq.
Brydon, Swearngen & England, PC
PO Box 456
Jefferson City, Missouri 65102

Tim Luft, Esq.
Rachel Niemeyer, Esq.
727 Craig Road
St. Louis, Missouri 63141

OFFICE OF PUBLIC COUNSEL:
John Clizer, Esq.
200 Madison Street, Suite 650
PO Box 2230
Jefferson City, Missouri 65102.

SUNNYDALE PROPERTIES:
Stephanie Bell, Esq.
Ellinger & Associates
308 East High Street, Suite 300

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Jefferson City, Missouri,

CITY OF ST. JOSEPH, MISSOURI:
William D. Steinmeier, Esq.
William D. Steinmeier, PC
2031 Tower Drive
Jefferson City, Missouri 65109

COMMISSION STAFF:
Karen Bretz, Esq.
200 Madison Street, 8th floor
Jefferson City, Missouri 65101

Also Present: Ethan Dwyer, Summer Law Clerk;

PUBLIC WATER SUPPLY DISTRICT #2 Of ANDREW
COUNTY:
James Fisher, Esq.
Fisher & Dority, PC
101 Madison Street, Suite 400
Jefferson City, Missouri 65101

PROCEEDINGS

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JUDGE PRIDGIN: Good morning.
We are on the record.

This is the prehearing conference for files number WR-2022-0303 and SR-2022-0304, and these are for the file entitled -- or excuse me, the files entitled In The Matter of Missouri American Water Company's Request for Authority to Implement General Rate Increase for Water and Sewer Service Provided in Missouri Service Areas.

I am Ron Pridgin. I am the regulatory law judge assigned to preside over this prehearing conference that's being held via Webex on August 3rd, 2022, and the time is approximately 10:03 in the morning.

I would like to get entries of appearance from counsel, please, beginning with Missouri American Water Company.

DEAN COOPER: This is Dean Cooper from the law firm of Brydon, Swearngen & England, PC, PO Box 456, Jefferson City, Missouri 65102 appearing on behalf of Missouri American Water Company, and I will allow Mr. Luft and Miss Niemeyer to make their

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entries.

JUDGE PRIDGIN: All right.

Thank you.

TIM LUFT: This is Tim Luft,
Missouri American, 727 Craig Road, St. Louis,
Missouri 63141.

RACHEL NIEMEYER: Good
morning. This is Rachel Niemeyer on behalf of
Missouri American, same address as Mr. Luft.

JUDGE PRIDGIN: All right.

Thank you, counsel.

Any entry on behalf of the
commission staff?

KAREN BRETZ: Karen Bretz,
B-R-E-T-Z, for Commission Staff, 200 Madison
Street, 8th floor, Jefferson City, Missouri
65101, and sitting here with me today is one
of our summer law clerks, Ethan Dwyer.

JUDGE PRIDGIN: All right,

Miss Bretz. Thank you.

Any entry on behalf of the Office
of the Public Counsel?

JOHN CLIZER: John Clizer on
behalf of the Office of Public Counsel,
business address 200 Madison Street, Suite

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650, PO Box 2230, Jefferson City, Missouri
65102. Thank you.

JUDGE PRIDGIN: Mr. Clizer,
thank you.

And we have some applicants to
intervene. I am going to go through those in
no particular order, and then see if I have
inadvertently skipped over anyone.

Do I have an entry of appearance
on behalf of Triumph Foods, LLC?

JOSHUA HARDEN: Yes. This is
Joshua Harden with the law firm of Collins &
Jones, PC at 1010 West Foxwood Drive, Raymore,
Missouri 64078, on behalf of Triumph Foods,
LLC.

JUDGE PRIDGIN: Mr. Harden,
thank you.

Any entry on behalf of Missouri
Industrial Energy Consumers?

Okay. No entry.

Any appearance on behalf of
Sunnydale Properties?

STEPHANIE BELL: Yes, Your
Honor. Stephanie Bell with Ellinger &
Associates, 308 East High Street, Suite 300,

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Jefferson City, Missouri, on behalf of
Sunnydale Properties. Thank you.

JUDGE PRIDGIN: Miss Bell,
thank you.

Any entry on behalf of the City of
Riverside, Missouri?

JOE BEDNER: Yes. Joe Bedner,
Spencer Fane, 304 East High Street, Jefferson
City, Missouri 65101.

JUDGE PRIDGIN: Mr. Bedner,
thank you.

Any entry on behalf of the Midwest
Energy Consumers Group?

TIM OPITZ: Good morning,
Judge. Tim Opitz on behalf of MECGB. My
address is 308 East High Street, Suite B-101,
Jefferson City, Missouri 65101.

JUDGE PRIDGIN: All right.
Thank you, counsel, and I just got an e-mail
from Mr. Steinmeier, that he has entered his
appearance via e-mail. He is not able to
connect but he is watching or observing, so I
will say Mr. Steinmeier has entered an
appearance, and madam court reporter, let me
get you his information.

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It is William D. Steinmeier, last name spelled, S, as in Sam, T, as in Thomas, E-I-N, as in Nancy, M as in Mary, E-I-E-R, 2031 Tower Drive, Jefferson City, Missouri 65109. That is Mr. Steinmeier's entry.

I believe we have others. Empire District, Miss Carter, counsel for Empire e-mailed me and said she had not planned to appear, so I have excused her appearance.

Any entry on behalf of Public Water Supply District #2 of Andrew County?

JAMES FISHER: Yes, Judge. On behalf of that intervenor, my name is James M. Fisher of the law firm Fisher & Dority, PC. Our address is 101 Madison Street, Suite 400, Jefferson City, Missouri 65101.

JUDGE PRIDGIN: All right, Mr. Fisher. Thank you.

I think I have got everyone. Have I overlooked anyone?

Okay. Let me go over a couple of things I want to talk about, and then I will see if you have anything you would like to talk about before I disconnect on my end and let you talk.

1 That reminds me, technology being
2 what it is, and technology operators like me
3 being what they are, this call should continue
4 after I disconnect, but if some reason, it
5 doesn't, I would suggest you have an
6 alternative way to communicate, whether you
7 call back into this Webex or another way. It
8 should not happen. I just want to alert you
9 in case it does happen, I apologize, and trust
10 you will be able to talk some other way.

11 Also, for benefit of the court
12 reporter, if you will please state your name
13 before you make your statement, because we are
14 not in the hearing room together, she can't
15 see who is talking, so it may be hard for her
16 to discern who is speaking.

17 I do have, I think, an unopposed
18 motion to consolidate, which I do plan on
19 granting. I don't recall having any
20 objections or any comments at all, so unless
21 somebody states otherwise, I will plan on
22 issuing an order granting the motion to
23 consolidate these two files.

24 Let me ask of Missouri American, I
25 don't know if the time has run for all the

1 applications to intervene. Let me double
2 check. I don't think it has, so Mr. Cooper or
3 other counsel for Missouri American, I don't
4 necessarily want you to put you on the spot if
5 you are unable to proceed today, but if you
6 know, do you have any objections to any of the
7 applications to intervene?

8 DEAN COOPER: Judge, this is
9 Dean Cooper. As to the timely applications to
10 intervene, we have no objection.

11 As to the two that were filed out
12 of time, I don't believe we are going to file
13 a written objection, but we will leave that to
14 you and the Commission as to how you want to
15 handle this.

16 JUDGE PRIDGIN: All right,
17 Mr. Cooper. Thank you. I appreciate that.

18 I think the only other thing I
19 want to go over, I think, traditionally, I
20 would order the parties to file a proposed
21 procedural schedule roughly a week after
22 today's prehearing conference.

23 So, does anyone see any issue with
24 filing a schedule or competing schedules on or
25 about August 10th?

1 Okay. I am not hearing any
2 objections on that, and I will follow-up with
3 a written order to put into EFIS, so I will
4 order a proposed procedural schedule or
5 schedules on August 10th.

6 I also think both staff and public
7 counsel filed pleadings on Missouri American's
8 proposed test year and discreet adjustments
9 and going toward -- along with the parties
10 talking about a schedule, I would like the
11 parties to talk about if you have any dispute
12 on the test year and discreet adjustments that
13 need a ruling from the Commission, and if you
14 will so inform me also on August 10th, either
15 in the same pleading or in a separate
16 pleading, whichever you prefer, because I read
17 the pleadings, there may be some alternatives
18 that allow for some sort of middle ground
19 where the parties can maybe work out any
20 disputes they have. But if not, please let me
21 know by August 10th and the Commission will
22 rule on the disputes.

23 I have February 3rd -- excuse me,
24 the weeks of February 13th and 20th blocked
25 off for the hearing room for the evidentiary

1 hearing. And so, I would encourage the
2 parties to use those weeks.

3 I am not going to tell you what
4 days or weeks to ask for, but that's -- I just
5 want to let you know, I have grabbed those
6 weeks and was kind of working back from the
7 operation of law date, those look like good
8 times to schedule the hearing, but if you
9 request -- I mean you are certainly welcome to
10 request another time if you want.

11 I think the only other thing is --
12 that I want to talk about is just a reminder
13 of what should be the obvious by now, but any
14 local public hearings or evidentiary hearings
15 could be completely in-person, completely
16 virtual or hybrid, and that may change at any
17 moment depending on the Commission's
18 preferences and depending on COVID-19.

19 And like I said, I am sure you
20 already knew that. I would expect an
21 amendment that the Commission would want to
22 continue with a hybrid schedule going forward,
23 but I don't know that for sure.

24 So, I just wanted to alert you of
25 what should be obvious, is is that we may have

1 to change at a moment's notice from in-person
2 to hybrid or to virtual.

3 I think that is all that I have
4 for the parties. Is there anything that the
5 parties want to bring to my attention before I
6 jump off the call?

7 JOHN CLIZER: Your Honor, John
8 Clizer with OPC just a couple of quick
9 follow-up questions.

10 JUDGE PRIDGIN: Yes, please.

11 JOHN CLIZER: In a similar
12 vein to the evidentiary hearing, is there a
13 deadline by which you want parties to have
14 finalized briefs prior to the operation of law
15 date?

16 I know the Commission in the past
17 has set a certain amount of time. I just need
18 to know for scheduling purposes.

19 JUDGE PRIDGIN: That's a good
20 question. I mean, that's something I would
21 hope you would address in your proposed
22 procedural schedule.

23 I would certainly want --

24 JOHN CLIZER: It will be --

25 JUDGE PRIDGIN: -- the court

1 reporter to expedite transcripts -- I am
2 sorry. Go ahead.

3 MR. CLIZER: It certainly will
4 be addressed, obviously. I just wanted to
5 know if, for example, the Commission believes
6 it needs thirty days before the operation of
7 law date just for purposes of setting the
8 schedule.

9 JUDGE PRIDGIN: I think the
10 Commission would prefer to have an order, and
11 a report and order noted out thirty days prior
12 to the operation of law date, which I think
13 would be roughly April 28th or thereabouts.

14 So, you know, working backwards
15 from that, certainly we want, I think, reply
16 briefs no later than the middle of April,
17 maybe initial briefs, say, you know, late
18 March, early April, however, if that gives you
19 some sort of ballpark, Mr. Clizer, as to kind
20 of how to plan.

21 JOHN CLIZER: It does. Thank
22 you. That was it.

23 DEAN COOPER: Yeah, Judge.
24 This is Dean copper.

25 Real quick, I think along similar

1 lines to the conversation you just had with
2 Mr. Clizer, in terms of the hearing dates,
3 given that, if we can work towards the
4 briefing, the completion of the reply briefs
5 similar to what you just talked about, I took
6 it from your earlier comments that the hearing
7 dates that you have reserved are not
8 necessarily -- there is no magic about those
9 two dates if -- as long as we can get you a
10 briefed case by thirty days out or so ahead of
11 the operational law date.

12 Would that be a correct
13 interpretation?

14 JUDGE PRIDGIN: I think so,
15 and all of this is with the caveat that I --
16 any commissioner might -- I mean, it's
17 unlikely, but any commissioner might veto a
18 proposed procedural schedule saying that
19 doesn't meet with my schedule, I want to do
20 something else.

21 It's unlikely, but it's possible.
22 I just wanted to be sure you knew that you and
23 I may think we have got good dates and then I
24 take it to the Commission and maybe the
25 commissioner says, no, that doesn't work for

1 me.

2 DEAN COOPER: Thank you, Your
3 Honor.

4 JUDGE PRIDGIN: You are
5 welcome. You are welcome.

6 Anything else I can do for the
7 parties before I drop off the call?

8 JOE BEDNER: Could you just
9 repeat the proposed hearing dates again? I
10 apologize.

11 JUDGE PRIDGIN: Sure. The
12 goal would be for the Commission to vote out a
13 report and order thirty days before the
14 operation of law date.

15 So, you know, working backwards
16 from what I think the operational law date is
17 is May 28th. If the Commission can vote out
18 an order roughly April 28th, and so working
19 backwards, maybe a reply brief due anywhere
20 from early to mid-April.

21 If that gives you some sort of
22 timeframe to let you know how to try to build
23 a schedule.

24 JOE BEDNER: Thank you.

25 JUDGE PRIDGIN: You are

1 welcome.

2 Anything further from the parties
3 before I drop off the call?

4 Okay. Hearing nothing further,
5 that will conclude the on-the-record portion
6 of today's prehearing conference.

7 Thank you very much. We are off
8 the record.

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CERTIFICATE

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3 I, STACY L. HEARST, a Certified
4 Court Reporter for the State of Missouri, do
5 hereby certify that the foregoing record was
6 reduced to writing by me; that this record is a
7 true and correct record of the statements
8 given, and that this record is now returned to
9 the Commission.

10 I further certify that I am
11 neither attorney nor counsel for nor related by
12 any of the parties to the action in which this
13 record is taken; further, that I am not a
14 relative or Plaintiff of any attorney or
15 counsel employed by the parties hereto or
16 financially interested in this action.

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19 -----
20 STACY L. HEARST

21 Missouri Certified Court Reporter #923

22
23 Dated: 8/4/22
24
25

#	8	AUGUST [1] - 1:13	certify [2] - 19:5, 19:10	Cooper [5] - 3:15, 5:21, 11:2, 11:9, 11:17
#923 [1] - 19:21	8/4/22 [1] - 19:23	August [6] - 2:11, 5:15, 11:25, 12:5, 12:14, 12:21	change [2] - 13:16, 14:1	COOPER [4] - 5:20, 11:8, 15:23, 17:2
1	8th [2] - 4:7, 6:16	Authority [4] - 1:5, 2:5, 2:19, 5:9	check [1] - 11:2	copper [1] - 15:24
101 [2] - 4:12, 9:15	9		City [17] - 3:9, 3:13, 3:16, 3:22, 4:1, 4:4, 4:7, 4:12, 5:22, 6:16, 7:1, 8:1, 8:5, 8:9, 8:17, 9:4, 9:16	correct [2] - 16:12, 19:7
1010 [2] - 3:6, 7:13	923 [1] - 1:14	B	CITY [2] - 3:11, 4:2	counsel [8] - 5:18, 6:11, 8:19, 9:7, 11:3, 12:7, 19:11, 19:15
10:03 [1] - 5:16	A	B-101 [2] - 3:9, 8:16	Clerk [1] - 4:8	COUNSEL [1] - 3:20
10th [4] - 11:25, 12:5, 12:14, 12:21	able [2] - 8:21, 10:10	backwards [3] - 15:14, 17:15, 17:19	clerks [1] - 6:18	Counsel [2] - 6:22, 6:24
13th [1] - 12:24	action [2] - 19:12, 19:16	ballpark [1] - 15:19	Clizer [6] - 3:21, 6:23, 7:3, 14:8, 15:19, 16:2	County [1] - 9:11
2	address [5] - 6:9, 6:25, 8:16, 9:15, 14:21	BEDNER [3] - 8:7, 17:8, 17:24	CLIZER [6] - 6:23, 14:7, 14:11, 14:24, 15:3, 15:21	COUNTY [1] - 4:10
2 [2] - 4:10, 9:11	addressed [1] - 15:4	Bedner [3] - 3:11, 8:7, 8:10	Collins [2] - 3:5, 7:12	couple [2] - 9:21, 14:8
200 [4] - 3:21, 4:7, 6:15, 6:25	adjustments [2] - 12:8, 12:12	BEFORE [1] - 1:12	comments [2] - 10:20, 16:6	Court [3] - 2:14, 19:4, 19:21
2022 [3] - 1:13, 2:11, 5:15	afternoon [1] - 2:13	beginning [1] - 5:18	COMMISSION [3] - 1:1, 2:1, 4:6	court [3] - 8:24, 10:11, 14:25
2022 [3] - 1:13, 2:11, 5:15	ahead [2] - 15:2, 16:10	behalf [15] - 5:23, 6:8, 6:12, 6:21, 6:24, 7:10, 7:14, 7:18, 7:21, 8:1, 8:5, 8:12, 8:15, 9:10, 9:13	commission [1] - 6:13	COVID-19 [1] - 13:18
2031 [2] - 4:4, 9:4	alert [2] - 10:8, 13:24	believes [1] - 15:5	Commission [13] - 2:17, 6:15, 11:14, 12:13, 12:21, 13:21, 14:16, 15:5, 15:10, 16:24, 17:12, 17:17, 19:9	Craig [2] - 3:18, 6:5
20th [1] - 12:24	allow [2] - 5:24, 12:18	Bell [3] - 3:24, 7:24, 8:3	Commission's [1] - 13:17	
2230 [2] - 3:22, 7:1	alternative [1] - 10:6	BELL [1] - 7:23	commissioner [3] - 16:16, 16:17, 16:25	D
28th [3] - 15:13, 17:17, 17:18	alternatives [1] - 12:17	benefit [1] - 10:11	communicate [1] - 10:6	date [7] - 13:7, 14:15, 15:7, 15:12, 16:11, 17:14, 17:16
3	amendment [1] - 13:21	between [1] - 2:11	COMPANY [1] - 3:14	Dated [1] - 19:23
3 [2] - 1:13, 2:11	AMERICAN [1] - 3:14	blocked [1] - 12:24	Company [2] - 5:19, 5:24	dates [5] - 16:2, 16:7, 16:9, 16:23, 17:9
300 [2] - 3:25, 7:25	American [10] - 1:3, 2:3, 2:18, 5:8, 5:19, 5:24, 6:5, 6:9, 10:24, 11:3	Box [4] - 3:16, 3:22, 5:22, 7:1	Company's [4] - 1:4, 2:4, 2:18, 5:9	days [5] - 13:4, 15:6, 15:11, 16:10, 17:13
304 [2] - 3:12, 8:8	American's [1] - 12:7	Bretz [3] - 4:6, 6:14, 6:20	competing [1] - 11:24	deadline [1] - 14:13
308 [4] - 3:9, 3:25, 7:25, 8:16	amount [1] - 14:17	BRETZ [2] - 6:14, 6:15	completely [2] - 13:15	DEAN [4] - 5:20, 11:8, 15:23, 17:2
314.795.6122 [1] - 1:20	ANDREW [1] - 4:10	brief [1] - 17:19	completion [1] - 16:4	Dean [4] - 3:15, 5:20, 11:9, 15:24
3rd [2] - 5:15, 12:23	Andrew [1] - 9:11	briefed [1] - 16:10	conclude [1] - 18:5	discern [1] - 10:16
4	apologize [2] - 10:9, 17:10	briefing [1] - 16:4	conference [4] - 5:4, 5:14, 11:22, 18:6	disconnect [2] - 9:24, 10:4
400 [2] - 4:12, 9:15	appear [1] - 9:9	briefs [4] - 14:14, 15:16, 15:17, 16:4	CONFERENCE [1] - 1:11	discreet [2] - 12:8, 12:12
456 [2] - 3:16, 5:22	appearance [6] - 5:18, 7:9, 7:21, 8:21, 8:24, 9:9	bring [1] - 14:5	connect [1] - 8:22	dispute [1] - 12:11
6	appearing [1] - 5:23	Brydon [2] - 3:15, 5:21	consolidate [2] - 10:18, 10:23	disputes [2] - 12:20, 12:22
63141 [2] - 3:19, 6:6	applicants [1] - 7:5	build [1] - 17:22	Consumers [2] - 7:19, 8:13	DISTRICT [1] - 4:10
64078 [2] - 3:6, 7:14	applications [3] - 11:1, 11:7, 11:9	business [1] - 6:25	CONSUMERS [1] - 3:8	District [2] - 9:7, 9:11
650 [2] - 3:21, 7:1	appreciate [1] - 11:17	BY [1] - 1:14	continue [2] - 10:3, 13:22	Dority [2] - 4:11, 9:14
65101 [8] - 3:9, 3:13, 4:7, 4:12, 6:17, 8:9, 8:17, 9:16	April [5] - 15:13, 15:16, 15:18, 17:18, 17:20	C	conversation [1] - 16:1	double [1] - 11:1
65102 [4] - 3:16, 3:22, 5:23, 7:2	Areas [3] - 1:8, 2:8, 5:11	Carter [1] - 9:7		Drive [4] - 3:6, 4:4, 7:13, 9:4
65109 [2] - 4:4, 9:5	assigned [1] - 5:13	case [2] - 10:9, 16:10		drop [2] - 17:7, 18:3
7	Associates [2] - 3:25, 7:25	caveat [1] - 16:15		due [1] - 17:19
727 [2] - 3:18, 6:5	attention [1] - 14:5	CCR [2] - 1:14, 1:19		Dwyer [2] - 4:8, 6:18
	attorney [2] - 19:11, 19:14	certain [1] - 14:17		E
		certainly [4] - 13:9, 14:23, 15:3, 15:15		e-mail [2] - 8:19, 8:21
		CERTIFICATE [1] - 19:1		
		Certified [3] - 2:14, 19:3, 19:21		

<p>parties [12] - 11:20, 12:9, 12:11, 12:19, 13:2, 14:4, 14:5, 14:13, 17:7, 18:2, 19:12, 19:15</p> <p>past [1] - 14:16</p> <p>PC [7] - 3:5, 3:15, 4:3, 4:11, 5:22, 7:13, 9:14</p> <p>pending [1] - 2:16</p> <p>person [2] - 13:15, 14:1</p> <p>Plaintiff [1] - 19:14</p> <p>plan [3] - 10:18, 10:21, 15:20</p> <p>planned [1] - 9:8</p> <p>pleading [2] - 12:15, 12:16</p> <p>pleadings [2] - 12:7, 12:17</p> <p>PO [4] - 3:16, 3:22, 5:22, 7:1</p> <p>portion [1] - 18:5</p> <p>possible [1] - 16:21</p> <p>prefer [2] - 12:16, 15:10</p> <p>preferences [1] - 13:18</p> <p>prehearing [4] - 5:4, 5:14, 11:22, 18:6</p> <p>Present [1] - 4:8</p> <p>preside [1] - 5:13</p> <p>PRESIDING [1] - 3:3</p> <p>PRETRIAL [2] - 1:11, 2:10</p> <p>Pridgin [1] - 5:12</p> <p>PRIDGIN [21] - 1:12, 3:3, 5:2, 6:2, 6:10, 6:19, 7:3, 7:16, 8:3, 8:10, 8:18, 9:17, 11:16, 14:10, 14:19, 14:25, 15:9, 16:14, 17:4, 17:11, 17:25</p> <p>procedural [4] - 11:21, 12:4, 14:22, 16:18</p> <p>proceed [1] - 11:5</p> <p>PROCEEDINGS [1] - 5:1</p> <p>produced [1] - 2:10</p> <p>Properties [2] - 7:22, 8:2</p> <p>PROPERTIES [1] - 3:24</p> <p>proposed [6] - 11:20, 12:4, 12:8, 14:21, 16:18, 17:9</p> <p>Provided [4] - 1:7, 2:7, 2:20, 5:11</p> <p>public [2] - 12:6,</p>	<p>13:14</p> <p>PUBLIC [4] - 1:1, 2:1, 3:20, 4:10</p> <p>Public [4] - 2:16, 6:22, 6:24, 9:10</p> <p>purposes [2] - 14:18, 15:7</p> <p>put [2] - 11:4, 12:3</p> <p style="text-align: center;">Q</p> <p>questions [1] - 14:9</p> <p>quick [2] - 14:8, 15:25</p> <p style="text-align: center;">R</p> <p>RACHEL [1] - 6:7</p> <p>Rachel [2] - 3:18, 6:8</p> <p>Rate [4] - 1:6, 2:6, 2:19, 5:10</p> <p>Raymore [2] - 3:6, 7:13</p> <p>read [1] - 12:16</p> <p>real [1] - 15:25</p> <p>reason [1] - 10:4</p> <p>record [8] - 5:3, 18:5, 18:8, 19:5, 19:6, 19:7, 19:8, 19:13</p> <p>reduced [1] - 19:6</p> <p>regarding [1] - 2:17</p> <p>regulatory [1] - 5:13</p> <p>related [1] - 19:11</p> <p>relative [1] - 19:14</p> <p>reminder [1] - 13:12</p> <p>reminds [1] - 10:1</p> <p>repeat [1] - 17:9</p> <p>reply [3] - 15:15, 16:4, 17:19</p> <p>report [2] - 15:11, 17:13</p> <p>REPORTED [1] - 1:14</p> <p>reporter [3] - 8:24, 10:12, 15:1</p> <p>Reporter [3] - 2:15, 19:4, 19:21</p> <p>request [2] - 13:9, 13:10</p> <p>Request [4] - 1:4, 2:4, 2:19, 5:9</p> <p>reserved [1] - 16:7</p> <p>returned [1] - 19:8</p> <p>Riverside [1] - 8:6</p> <p>RIVERSIDE [1] - 3:11</p> <p>Road [2] - 3:18, 6:5</p> <p>Ron [1] - 5:12</p> <p>RON [2] - 1:12, 3:3</p> <p>room [2] - 10:14, 12:25</p> <p>roughly [3] - 11:21, 15:13, 17:18</p>	<p>rule [1] - 12:22</p> <p>ruling [1] - 12:13</p> <p>run [1] - 10:25</p> <p style="text-align: center;">S</p> <p>Sam [1] - 9:2</p> <p>schedule [11] - 11:21, 11:24, 12:4, 12:10, 13:8, 13:22, 14:22, 15:8, 16:18, 16:19, 17:23</p> <p>schedules [2] - 11:24, 12:5</p> <p>scheduling [1] - 14:18</p> <p>see [4] - 7:7, 9:23, 10:15, 11:23</p> <p>separate [1] - 12:15</p> <p>SERVICE [2] - 1:1, 2:1</p> <p>Service [9] - 1:7, 1:8, 2:7, 2:8, 2:16, 2:20, 2:21, 5:11</p> <p>set [1] - 14:17</p> <p>setting [1] - 15:7</p> <p>Sewer [4] - 1:6, 2:6, 2:20, 5:10</p> <p>similar [3] - 14:11, 15:25, 16:5</p> <p>sitting [1] - 6:17</p> <p>six [1] - 2:12</p> <p>skipped [1] - 7:8</p> <p>sihearst@outlook.com [1] - 1:19</p> <p>sorry [1] - 15:2</p> <p>sort [3] - 12:18, 15:19, 17:21</p> <p>speaking [1] - 10:16</p> <p>spelled [1] - 9:2</p> <p>Spencer [2] - 3:12, 8:8</p> <p>spot [1] - 11:4</p> <p>SR-2022-0304 [3] - 1:6, 2:5, 5:6</p> <p>St [2] - 3:19, 6:5</p> <p>ST [1] - 4:2</p> <p>STACY [3] - 1:14, 19:3, 19:20</p> <p>Stacy [2] - 1:19, 2:14</p> <p>STAFF [1] - 4:6</p> <p>staff [2] - 6:13, 12:6</p> <p>Staff [1] - 6:15</p> <p>state [1] - 10:12</p> <p>STATE [2] - 1:1, 2:1</p> <p>State [3] - 2:15, 2:17, 19:4</p> <p>statement [1] - 10:13</p> <p>statements [1] - 19:7</p> <p>states [1] - 10:21</p> <p>Steinmeier [5] - 4:3, 4:3, 8:20, 8:23, 9:1</p> <p>Steinmeier's [1] - 9:5</p>	<p>STEPHANIE [1] - 7:23</p> <p>Stephanie [2] - 3:24, 7:24</p> <p>Street [12] - 3:9, 3:12, 3:21, 3:25, 4:7, 4:12, 6:16, 6:25, 7:25, 8:8, 8:16, 9:15</p> <p>suggest [1] - 10:5</p> <p>Suite [8] - 3:9, 3:21, 3:25, 4:12, 6:25, 7:25, 8:16, 9:15</p> <p>summer [1] - 6:18</p> <p>Summer [1] - 4:8</p> <p>Sunnydale [2] - 7:22, 8:2</p> <p>SUNNYDALE [1] - 3:24</p> <p>Supply [1] - 9:11</p> <p>SUPPLY [1] - 4:10</p> <p>Swearngen [2] - 3:15, 5:21</p> <p>sworn [1] - 2:10</p> <p style="text-align: center;">T</p> <p>technology [2] - 10:1, 10:2</p> <p>terms [1] - 16:2</p> <p>test [2] - 12:8, 12:12</p> <p>thereabouts [1] - 15:13</p> <p>thirty [4] - 15:6, 15:11, 16:10, 17:13</p> <p>Thomas [1] - 9:2</p> <p>Tim [4] - 3:8, 3:17, 6:4, 8:15</p> <p>TIM [2] - 6:4, 8:14</p> <p>timeframe [1] - 17:22</p> <p>timely [1] - 11:9</p> <p>today [2] - 6:17, 11:5</p> <p>today's [2] - 11:22, 18:6</p> <p>together [1] - 10:14</p> <p>took [1] - 16:5</p> <p>toward [1] - 12:9</p> <p>towards [1] - 16:3</p> <p>Tower [2] - 4:4, 9:4</p> <p>traditionally [1] - 11:19</p> <p>transcripts [1] - 15:1</p> <p>Triumph [2] - 7:10, 7:14</p> <p>TRIUMPH [1] - 3:4</p> <p>true [1] - 19:7</p> <p>trust [1] - 10:9</p> <p>try [1] - 17:22</p> <p>two [3] - 10:23, 11:11, 16:9</p>	<p style="text-align: center;">U</p> <p>unable [1] - 11:5</p> <p>unless [1] - 10:20</p> <p>unlikely [2] - 16:17, 16:21</p> <p>unopposed [1] - 10:17</p> <p>up [2] - 12:2, 14:9</p> <p style="text-align: center;">V</p> <p>vein [1] - 14:12</p> <p>veto [1] - 16:17</p> <p>via [3] - 2:13, 5:15, 8:21</p> <p>virtual [2] - 13:16, 14:2</p> <p>VIRTUAL [1] - 1:11</p> <p>vote [2] - 17:12, 17:17</p> <p style="text-align: center;">W</p> <p>watching [1] - 8:22</p> <p>WATER [2] - 3:14, 4:10</p> <p>Water [11] - 1:4, 1:6, 2:4, 2:6, 2:18, 2:20, 5:8, 5:10, 5:19, 5:24, 9:11</p> <p>Webex [2] - 5:15, 10:7</p> <p>WEBEX [2] - 1:11, 2:13</p> <p>week [1] - 11:21</p> <p>weeks [4] - 12:24, 13:2, 13:4, 13:6</p> <p>welcome [4] - 13:9, 17:5, 18:1</p> <p>West [2] - 3:6, 7:13</p> <p>whichever [1] - 12:16</p> <p>William [3] - 4:3, 4:3, 9:1</p> <p>WR-2022-0303 [3] - 1:5, 2:5, 5:5</p> <p>writing [1] - 19:6</p> <p>written [2] - 11:13, 12:3</p> <p style="text-align: center;">Y</p> <p>year [2] - 12:8, 12:12</p>
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