

1 BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION

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3

LOCAL PUBLIC HEARING

4

In the Matter of Confluence Rivers Utility
Operating Company, Inc.'s Request for
Authority to Implement a General Rate
Increase for Water Service and Sewer
Service Provided in Missouri Service
Areas

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File No. WR-2023-0006

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Tracking Nos. YW-2023-0113
And YS-2023-0114

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Via Zoom

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Present on behalf of the Commission:

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Scott Rupp - Chairman
Maida Coleman - Commissioner
Jason Holsman - Commissioner
Kayla Hahn - Commissioner

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Also present: Kenneth Seyer - Judge presiding over hearing

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P R O C E E D I N G S

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2 JUDGE SEYER: My name is Kenneth Seyer. I'm a
3 Regulatory Law Judge for Missouri Public Service Commission
4 and will preside over this local public hearing. The
5 Commission has set this time for a local public hearing in
6 File No. WR-2023-0006, which is captioned as In the Matter
7 of Confluence Rivers Utility Operating Company,
8 Incorporated's Request for Authority to Implement a General
9 Rate Increase for Water Service and Sewer Service Provided
10 in Missouri Service Areas.

11 The Commission has scheduled this local public
12 hearing to give members of the public a chance to comment
13 about Confluence Rivers rate case.

14 The Missouri Public Service Commission regulates the rates
15 charged by public utility companies in Missouri to assure
16 that those rates are just and reasonable. The Commission
17 also regulates the quality of service. Confluence Rivers
18 is a public utility under Missouri Statute and as such is
19 subject to regulation by the Commission. The Commission is
20 made up of five commissioners. The Commissioners are
21 appointed by the Governor to fixed term and confirmed by
22 the Senate. Commissioners employ a staff of engineers,
23 accountants, attorneys, financial analyst, and other
24 specialists in the field of utility regulation. With us
25 here today is Chairman Scott Rupp, and Commissioner Maida

1 Coleman. I believe online is Commissioner Kayla Hahn and
2 Commissioner Jason Holsman. Commissioners Holsman and
3 Commissioner Hahn, if you would like to identify yourself
4 and make sure I'm right about that. Commissioner Holsman,
5 are you there?

6 JUDGE SEYER: This is an official hearing of
7 the Missouri Public Service Commission. The statements and
8 testimony of witnesses will be recorded by a court reporter
9 and must be given under oath. Once the hearing testimony
10 is transcribed, all of the Commissioners will have the
11 opportunity to read all of the witness's remarks. Know
12 that the Commissioners value your comments and input.

13 At this time would any of the Commissioners
14 like to make opening remark?

15 COMMISSIONER RUPP: Thank you. Welcome
16 everybody. Thank you for the great turnout today. I just
17 wanted to remind you everybody that this is like a court
18 case. We are unable, the Commissioners are unable to
19 answer any of your questions. That is why we had the
20 question and answer period beforehand and we cannot be a
21 part of that and we had to stay outside. So that would be
22 akin to seeing a judge in the grocery store and saying,
23 "Hey, Judge, I've been watching the murder trial. Do you
24 think he's guilty?" We can't answer any questions because
25 that would be perceived as us prejudging. So if you do

1 pose a question to us, we cannot respond. It's not that
2 we're being obtuse or refusing to, legally we cannot
3 communicate on this side. That's just how the rules of the
4 trial go. We are here to listen and the commissioners
5 online to listen plus we have the transcript. Everything
6 that you do testify to will go in the actual court record
7 and be used as evidence for when we have our official trial
8 up in Jefferson City in a couple months. Thank you for the
9 great turnout. We are here to listen and appreciate if you
10 do have comments, please do come to the microphone and make
11 them.

12 JUDGE SEYER: Commissioner Coleman.

13 COMMISSIONER COLEMAN: Thank you, Judge. I
14 would just like to say dido what Chairman Rupp said but
15 also would let you know that it is an honor for us to sit
16 before you and hear your concerns. We do take them
17 seriously. I'm a Sikeston gal, so every time I have an
18 opportunity be down in this part of the state, it reminds
19 me of being home and also makes me want to keep going over
20 67 to Lake Wappopello where I spent all of my summers. I
21 didn't get the color scheme but we are looking forward to
22 what you would like us to hear. Thank you very much.

23 JUDGE SEYER: Commissioner Holsman, would you
24 like to make any remarks?

25 COMMISSIONER HOLSMAN: Thank you, Judge.

1 Just wanted to thank everybody for coming today. It does
2 matter and we do listen and we appreciate your time. Thank
3 you, Judge.

4 JUDGE SEYER: Commissioner Hahn, would you
5 like to make any remarks?

6 COMMISSIONER HAHN: Thank you so much, Judge.
7 I'm so thankful to be able to listen to your testimony
8 today. Even though I am not physically there in person
9 with you, I will be listening very intently to your
10 comments and concerns. Just want to hear your feedback and
11 so that will be taken into consideration with any decision
12 made moving forward. So I will just be looking forward to
13 hearing what you have to say. Thanks so much.

14 JUDGE SEYER: Thank you, Commissioner Hahn.
15 As you know, if you were here for the question and answer
16 session, there are attorneys here helping the parties in
17 this matter. For the record would each of you identify
18 yourself and state which party you're representing. I will
19 start with the utility, Confluence Rivers.

20 MR. WOODSMALL: Thank you, Your Honor. David
21 Woodsmall on behalf of Confluence Rivers.

22 JUDGE SEYER: For the Office of Public
23 Counsel.

24 MR. CLIZER: John Clizer on behalf of the
25 Office of Public Counsel.

1 JUDGE SEYER: Mr. Clizer, could you spell that
2 for the sake of the court reporter?

3 MR. CLIZER: C-l-i-z-e-r.

4 JUDGE SEYER: I'm sorry, Mr. Woodsmall?

5 MR. WOODSMALL: W-o-o-d-s-m-a-l-l.

6 JUDGE SEYER: Mr. Irving, are you online?

7 MR. IRVING: Ron Irving, Staff Counsel.

8 JUDGE SEYER: I-r-v-i-n-g?

9 MR. IRVING: Correct.

10 JUDGE SEYER: All right. Thank you. The
11 witness portion of the hearing will proceed today will be
12 to call the names listed on the sign-up sheet in the order
13 in which you all signed up. When I call your name, please
14 step up to the microphone. Before you speak, I will place
15 you under oath and ask you to state and spell your name. I
16 will also ask you where you either the residence or the
17 property where you're service from Confluence Rivers and
18 then I will give you the opportunity to offer your comments
19 to the Commission. I will try to limit comments to five
20 minutes. I won't strictly enforce that but try to kind of
21 keep that in mind when you are testifying so that everyone
22 has a chance to testify today. Once you do finish your
23 comments, please remain at the microphone in case there are
24 follow up questions from the commissioners or attorneys for
25 the parties. As Chairman Rupp mentioned earlier,

1 understand that the commissioners won't be able to answer
2 your questions today only because they have to remain
3 impartial and only consider evidence at the evidentiary
4 hearing in this matter currently scheduled for August of
5 this year. The commissioners have not made any decisions
6 in this case as to Confluence Rivers rates and other
7 matters in the case. The Commission is interested in your
8 comments and will use them to help make their decision. If
9 you have comments after the hearing or if you because of
10 how long the testimony may take today and you are unable to
11 stay and give your comments in person, you can submit
12 comments online via the PSC website, "psc.mo.gov" and there
13 is a link to submit comments. When you do that, make sure
14 that you reference this case or file number. Again that is
15 WR, which roughly stands for "water rate" 2023 or I'm
16 sorry, 2023-0006.

17 Your Honor, real quickly, may I add that if
18 any of you didn't get to ask your questions in the first
19 part, Mr. Silus is still here. Please grab him in the back
20 if you have anything that you didn't get to in the first
21 part.

22 MR. SILUS: Thank you, Your Honor. For the
23 record, I will add that the OPC will remain available to
24 answer any questions after this as well.

25 JUDGE SEYER: All right. So the first name on

1 the list is Sandra Bender.

2 (Witness sworn)

3 MR. SILUS: Could you state and spell your
4 first and last name?

5 MS. BENDER: Sandra Bender; S-a-n-d-r-a,
6 B-e-n-d-e-r.

7 MR. SILUS: Ms. Bender, where is it that you
8 have property that is served by Confluence Rivers?

9 JUDGE SEYER: Terre Du Lac.

10 MR. SILUS: Like T-e-r-r-e-l-a-c?

11 JUDGE SEYER: T-e-r-r-e D-u L-a-c.

12 MR. SILUS: Okay. I'm sorry. Commissioner
13 Coleman is from Sikeston. I'm originally from Cape
14 Girardeau but that one I'm not familiar with. All right.
15 So Ms. Bender, go ahead and proceed with your testimony.

16 JUDGE SEYER: Of course it goes without saying
17 I think everybody here is concerned about the amount of
18 increase. It is, it's dramatic. Not only is it almost
19 unconscionable that increase would be that much at one
20 time, I would ask that it not be that much. That it would
21 be phased in over perhaps two or three year timeframe.

22 MR. SILUS: I'm going to interrupt you for a
23 second, Ms. Bender, if you can get within an inch or two of
24 that microphone, it picks up much better.

25 JUDGE SEYER: Okay. And the idea that they

1 would be joining funds from every company or area that they
2 are servicing so that we would all pay one rate and that it
3 would be like a mutual endeavor that if maybe some time we
4 pay more or we would pay for some repairs and someone else
5 would receive the repairs and vice versa. I can understand
6 the concept. However if we have, as he mentioned a
7 specific project, we would individually have to pay more.
8 So it's like they want to have it both ways. I don't quite
9 understand how the Commission would follow that kind of
10 bookkeeping. It -- I almost want to use the word creative
11 in a negative sense. I will have to say that we have
12 enjoyed the improvements that Confluence has made.
13 Hopefully that will continue. We understand that it comes
14 with a cost. However, I think Confluence could do a better
15 job of being part of the community that they serve with
16 keeping residents informed of the improvements they're
17 making or future projects that they would want to do. I
18 think people understand those things cost money but when
19 it's asking for such a big increase and they don't have any
20 information ongoing, it is quite a shock. I'm reminded of
21 some of you will remember a telephone slogan, "We are the
22 only phone company in town but we try not to act like it,"
23 it goes a long way with making people accept things like
24 rate increases. Thank you.

25 JUDGE SEYER: If you could stick around, I'll

1 check to see if there are any questions for you. Chairmen?
2 Commissioner Coleman.

3 COMMISSIONER COLEMAN: Thank you. Ma'am, do I
4 understand that you're saying that you see a double
5 standard here that the company is asking or suggesting this
6 payment that all rates be kind of spread out over the
7 service territory but if there are issues or repairs in a
8 specific community, such as your town, those costs would be
9 on those that live in that district only. Is that what I
10 understand you're saying?

11 MS. BENDER: That's what I understood him to
12 mean when he said if there is a specific need in a
13 particular community that they would have to bear the cost
14 of that.

15 COMMISSIONER COLEMAN: So is your concern more
16 that your actual rates would not possibly be -- you
17 wouldn't necessarily be paying the rates that you have
18 generated but you would be averaged across the board with
19 others and yet you would be okay if you didn't have to make
20 those payments across the board and strictly pay for what
21 you're using; is that what you're saying? I know I'm
22 confusing.

23 MS. BENDER: I understand the concept of
24 spreading costs. If you have a large enough amount of
25 people, it does lower it for everyone. But if you're going

1 to do that then people can't anticipate what they are going
2 to have to pay, people that are on a budget. It sort of
3 defeats the concept of spreading the cost over a large
4 amount of people if you're going to have to pay for
5 something over and above in an individual community.
6 That's what you're spreading the cost for.

7 COMMISSIONER COLEMAN: I get it. Thank you.
8 I appreciate that. Do any other commissioners have
9 questions for Ms. Bender?

10 The next name on the list is Jeff Romines.
11 (Witness sworn.)

12 Could you go ahead and state and spell your
13 name for the record?

14 MR. ROMINES: Jeff Romines, first name is
15 J-e-f-f; last name R-o-m-i-n-e-s.

16 JUDGE SEYER: Do go ahead, Mr. Romines.

17 MR. ROMINES: I live at Terra Du Lac. You
18 already got the spelling of that. My concern is we have
19 seen the improvements over the last couple of years that
20 Confluence has been there. Again, we talked about water
21 towers and some of the well pump stuff, putting the
22 generators in. Again, we do appreciate that. We do
23 appreciate our local folks that do all of the repairs and
24 do the work there. Under I guess my assumption with this
25 is what this rate increase is for what already has been

1 done. It's not for what else is needed. I don't think it
2 is fair again, like we said, to the other communities that
3 we all do across the board increase. There are some
4 communities that may not require as much as we do that can
5 do a lower cost and maybe ours might be a higher cost.
6 Again why is that fair to us across the board. The biggest
7 issue, my concern is, I'm a fire chief. They have done a
8 lot of work to our storage tanks, pumps, and things like
9 but I still have numerous miles of line that are 4-inch
10 water mains that are not going to supply the water that we
11 need to fight fires. Our little community, you can say
12 it's the perfect storm. We're set up almost like
13 California. If we have a wildland event, houses are
14 stacked on top of each other, you have all the undergrowth,
15 you have abundance of cedars; I can't trust that water
16 system. Four inch lines are going to give me 1,000 gallons
17 a minute, if the pumps are working correctly. If the lines
18 are working correctly. Most of the hydrants have 2-inch
19 outlets, that's still even I hook a truck to those 2-inch
20 outlets I'm still not getting enough water. We've had to
21 adjust our responses. I have put 10 other fire departments
22 on my personal that I will have 10,000 gallons of water
23 coming to me but that's going to take time because we're
24 all volunteers. How many houses am I going to lose in that
25 time. We have talked with our local people and from what

1 Confluence has told them, they do not plan on putting any
2 money into the infrastructure of the water lines or
3 hydrants. We have been told that even if a hydrant goes
4 bad on a 4-inch line, they will not replace that fire
5 hydrant. Actually makes sense because I'm still not going
6 to get the water out of a properly upgraded fire hydrant
7 that I should. So again, that's my biggest concern because
8 of the cost of the rates on the rise. So with this
9 increase, this is supposed to pay for what's already been
10 done. They done most of that to the sewer. They have not
11 done anything to the water. When they get ready to go do
12 water projects, if they do, what kind of rate increase are
13 we going to have then? I don't mind paying for increases.
14 I think there is a minimum that needs to be there. I think
15 Confluence needs to work with the local communities of what
16 is the best way to communicate and each community kind of
17 be set aside of their own rate increase. I know it's
18 simple to say straight across the board but again some
19 communities may not require as much upgrades as we are.
20 You are probably looking at \$5 to \$6 million for just the
21 water upgrades, the water line improvements. Do we do that
22 all at once, no. We don't have to. We would be glad to
23 work with them, the fire department. I have tried to call
24 them six times to get appointments, no call backs. When
25 they went and took our water towers out of service to start

1 at, nobody in our community knew that the water towers were
2 going to go down until the repair crew showed up that
3 morning. We did some scrambling to cover ourselves as far
4 as for fire protection. Again, that's my biggest concern
5 because again they go to water lines, we are going to be
6 back to another rate increase here in a couple years.
7 Thank you.

8 JUDGE SEYER: Thank you, Mr. Romines. If you
9 can stick around, do the commissioners have any questions.

10 MR. CLIZER: So to your knowledge when they
11 tore down the water towers they did not send any prior
12 notice to the fire district, to the city, to the county, or
13 anyone?

14 MR. ROMINES: We are governed by an HOA.
15 We're an HOA community. A lot of the board members at that
16 time, nobody knew they were coming in. The public works
17 guy didn't know they were coming in. I didn't know they
18 were coming in. We found out about six that morning that
19 they were getting ready to take -- they were going to do
20 both towers but they were going to do one at a time. They
21 have 100,000 gallon storage and all that. Then again, like
22 I said, no prior notice of anything. I tried calling
23 Confluence that morning. I made three phonecalls to them
24 that day with a timeline, what to know. All we have is
25 their 800 number for the call center. To this day, I have

1 still not received a phone call back from Confluence
2 telling me those water towers were going out of service.

3 CHAIRMAN RUPP: Second question, how many home
4 fires did you fight last year?

5 MR. ROMINES: Probably one. We are a small
6 community. But that's not the object of it. We have some
7 one to two million homes there. The access it takes to get
8 there, plus the time factor. We are a volunteer fire
9 department. Everybody in Saint Francis County is volunteer
10 except for the City of Farmington. I have got 16
11 firefighters. That's the way it is. Volunteerism is down.
12 On a daily basis, I may have two in Terre Du Lac. When we
13 are relying on other departments, we may get a tanker from
14 somewhere with one guy. We ran a call deal this morning,
15 10 departments were paged and four showed up.

16 CHAIRMAN RUPP: What's the average home price
17 in Terre Du Lac if you had to average it?

18 CHAIRMAN RUPP: You're probably
19 \$200-\$250,000.00.

20 JUDGE SEYER: Any other questions from the
21 commissioners? All right. Mr. Clizer.

22 MR. CLIZER: Sorry, I have a couple of quick
23 questions hopefully. You mentioned you were an HOA, right,
24 a homeowners association community. Is the fire
25 department, the volunteer fire department, attached to the

1 HOA community?

2 MR. ROMINES: Yes, sir. We are funded through
3 the HOA dues.

4 MR. CLIZER: Do you know who owns the hydrant
5 infrastructure? Is it owned by an HOA or is it owned by
6 the city or municipality?

7 MR. ROMINES: Confluence.

8 MR. CLIZER: Confluence itself owns it. So
9 there is no incorporated municipality or anything like
10 that? All communication with Confluence is done through
11 the HOA, correct?

12 MR. ROMINES: No, we can call their 1-800
13 number but --

14 MR. CLIZER: When you had mentioned that you
15 had tried to talk to somebody about trying to get a change
16 to the fire infrastructure, was that the HOA?

17 MR. ROMINES: No, I tired calling Confluence.

18 MR. CLIZER: The fire department did?

19 MR. ROMINES: Yes.

20 MR. CLIZER: Okay.

21 MR. ROMINES: Like I said I made a phonecall
22 when the first tower went down and never received a call
23 back to this day.

24 MR. CLIZER: That is all my questions. Thank
25 you. Mr. Woodsmall.

1 MR. WOODSMALL: Your Honor, real quick I just
2 want to make sure I understand what happened so I can go
3 back in and try to make any improvements necessary. When
4 you said that the tanks.

5 MR. WOODSMALL: When the towers went down, are
6 you certain they were taken out of service or are sure they
7 weren't just primed, patched, and painted; that type of
8 thing?

9 MR. ROMINES: They were taken out of service
10 one at a time over a seven to nine week period.

11 MR. WOODSMALL: If you hadn't talked to
12 Confluence, where did you learn that?

13 MR. ROMINES: The contractors that were doing
14 the work pulled up to the very first tower that is by our
15 fire station. Somehow it got to our public works guy and
16 he called me. This happened in about a 15 minute span. I
17 was told the local Confluence workers did not know they
18 were showing up that morning.

19 MR. WOODSMALL: Thank you for the
20 clarification.

21 JUDGE SEYER: Thank you, Mr. Romines. All
22 right. The next name on the list is Gretchen Pratt.

23 (Witness sworn.)

24

25 JUDGE SEYER: Could you state and spell your

1 name for the record?

2 MS. PRATTE: Gretchen, G-r-e-t-c-h-e-n,
3 Pratte, P-r-a-t-t-e.

4 JUDGE SEYER: Okay. Ms. Pratte, go ahead.
5 What would you like the commissioners to know?

6 MS. PRATTE: Well, the rate increase is
7 excessive. Many people who live in Terre Du Lac are on
8 fixed income. In addition to that, there are a number of
9 younger families who are either renting, I think some are
10 actually Section 8 housing and there are people about five
11 or six years ago when the property values were down, bought
12 houses that are worth quite a bit more and on a very
13 strained income. So we also have not had any discussions
14 about how the boil water orders are given. In the past, we
15 were able to either get an e-mail or a phonecall. I don't
16 know that anybody asked me what my preference was. It's
17 all e-mail. I'm finding it difficult. I have fairly good
18 service but I don't use my e-mail much because it just
19 takes so long to boot up. I try using it on my phone and I
20 find that very inconvenient. Long and short, I've had
21 several instances where my stomach was upset and later I
22 found out there were boil water orders on that day. Later
23 I looked on my e-mails just to make sure there were no boil
24 water orders and then two hours after I got off the
25 computer, there was a boil water order. I can't believe

1 this is acceptable. I can't imagine it's acceptable with
2 people in the City of St. Louis with people who maybe have
3 no ability to get internet. It's also very inappropriate
4 for a community that has a high level of older people that
5 aren't familiar with the internet. So in compilation, I
6 just want to say that it's excessive amount. The people in
7 St. Louis are upset about a 40 percent increase and we're
8 talking about a 200 to 300 percent rate increase. I think
9 something much more satisfactory should be done about the
10 boil water orders.

11 JUDGE SEYER: Do the commissioners have any
12 questions? You were speaking of the boil order, boil water
13 orders. How many times has that happened?

14 MS. PRATTE: Well, I don't know when, it might
15 have been in March that I had realized there might have
16 been some. I went back there my emails and there was like
17 six. That was the day that there was one at 2:00 in the
18 afternoon after I got off the internet. I don't know how
19 many. Some of them are specific about certain streets but
20 I don't know they are not all. In the past we used to get
21 it over the radio. I'm told that's antique because people
22 don't listen to the radio, I do. The Homeowners
23 Association used to phone too. That's right, if they are
24 notified. A lot of times, Terre Du Lac doesn't know about
25 garbage pickup and many different things.

1 JUDGE SEYER: Okay. Commissioner Coleman?

2 You live in Terre Du Lac?

3 MS. PRATTE: Yes, Terre Du Lac.

4 JUDGE SEYER: Mr. Clizer, do you have a
5 question?

6 MR. CLIZER: You asked my question.

7 JUDGE SEYER: Mr. Woodsmall?

8 MR. WOODSMALL: One quick question, you were
9 saying e-mails are not efficient for you to be communicated
10 with. Would text messaging work for you?

11 MS. PRATTE: Oddly enough text message would
12 work much better because I find it very easy to find a text
13 whereas the computer has such a small screen, I don't have
14 that good of service and I just am not effective using
15 e-mail on the phone.

16 MR. WOODSMALL: But a text message for you
17 would be more efficient?

18 MS. PRATTE: I think it's just unbelievable
19 that you just never know when there is going to be a boil
20 water order. It could be two times in one day, it could be
21 once every three days, it could be once every week.

22 MR. WOODSMALL: The only thing I would tell
23 you if you talk to Mr. Freeman or Mr. Silas, they may be
24 able to answer the reasons why they are not predictable
25 like that.

1 MS. PRATTE: Thank you.

2 JUDGE SEYER: All right. Thank you for your
3 testimony, Ms. Pratte. The next name on the list is Ralph
4 Gifford.

5 MR. GIFFORD: No comment, sir.

6 JUDGE SEYER: All right. Thank you, sir.
7 Then the next name is Jeff Hughes. Good afternoon, sir.
8 I'm going to ask you to get closer to the microphone.

9 (Witness sworn.)

10 JUDGE SEYER: Could you state and spell your
11 name?

12 MR. HUGHES: My name is Jeff Hughes, J-e-f-f,
13 H-u-g-h-e-s.

14 JUDGE SEYER: Mr. Hughes, where do you receive
15 service at?

16 MR. HUGHES: I live at Deer Run Estates in
17 Madison County.

18 JUDGE SEYER: Okay. Deer Run, D-e-e-r --

19 MR. HUGHES: D-e-e-r, just like the critter.

20 JUDGE SEYER: In Madison County. All right.
21 You can start with your testimony.

22 MR. HUGHES: I would like to say by saying I'm
23 a sewer customer of Confluence Rivers but we are water
24 customer of the Madison County water supply. Thankfully. I
25 would like to say although I empathize with this Commission

1 because I know what kind of problems you have to deal with
2 because these things have been cropping up for years with
3 these little water districts and sewer districts that
4 weren't made right and they have fallen in disrepair. The
5 guy that built them is gone and the courts don't want to
6 deal with this stuff. They don't like it. There is no
7 money. There is nobody to sue. So it's a huge problem and
8 I thank you guys. With that being said, I saw this some
9 six or seven years ago, I'm not sure exactly when it
10 started, Mr. Cox had formed this company, and rode in on
11 his white horse and started buying these water companies
12 up. I'm going how is this guy affording all of this stuff?
13 He had to have some pretty speculative loans to do this.
14 Now he is buying up sewer companies to try and consolidate
15 them, which is not really a legal way to do this. I'll
16 point this out in a minute.

17 JUDGE SEYER: Just for the sake, I'm sorry --

18 MR. HUGHES: The problem is we don't know the
19 guy I'm paying --

20 JUDGE SEYER: Mr. Hughes?

21 MR. HUGHES: Yes.

22 JUDGE SEYER: I just want to interrupt you for
23 a second before we get too far away. You mentioned Mr.
24 Cox, that is C-o-x?

25 MR. HUGHES: C-o-x.

1 JUDGE SEYER: C-o-x. And he's affiliated with
2 Confluence Rivers, correct?

3 MR. HUGHES: Yes. My -- and this will come
4 back around here in a second when I make my main point. We
5 as customers don't know this guy that we are writing a
6 check to or this company, we don't know since it's been
7 deemed highly confidential by this commission, and I'm not
8 making that a bad thing. I'm just saying that's the rule
9 now, we don't know where the money is coming from. We
10 don't know where it's going to. We don't know if it's
11 arm's length. We don't know if this guy is a good guy. We
12 don't know because they have created this little company
13 that controlling our water and sewer that really doesn't
14 have a show in like a public water system and you can find
15 out. It's just questionable in my mind. The big deal is
16 Dee Run sewer system when it was formed was certified --
17 was titled the model sewer system in 1968 when this thing
18 was born. This is the way to do it. It's a closed loop
19 lagoon system. I understand times changed, more people
20 move in, there is more stress on the system and over the 25
21 or so years I have lived there, we have spent hundreds of
22 thousands of dollars trying to fix the thing. We're not
23 just laying back looking for something free. We've paid, I
24 believe for the last 25 years to be compliant. To operate
25 a monopoly utility service in this state requires the

1 utility to secure a certificate of convenience and
2 necessity from this Commission. I'm sure that lumping all
3 of these problems into one consolidation, and I put that in
4 parenthesis, make this a lot easier on you guys to deal
5 with one dude than it does 100 of us. I understand that.
6 The problem I have in a landmark supreme court case in the
7 state of Missouri involving the Callaway Union Power Plant,
8 Ameren Missouri is who I believe it was. When they started
9 bringing in the rates, they had all of these little local
10 investors to invest in this power plant and they wanted to
11 raise the rates to pay them back. It went to the Supreme
12 Court and the Supreme Court said you cannot do that. They
13 said you can't charge these people way over here for a
14 service that is not an everybody learn this term, used and
15 useful. It is the most important legal term you will hear
16 today. I have a whole 34 page article I will not bore you
17 with from the Energy Law Journal. It's called, "Use and
18 Useful: An Autopsy of Policy Rate Making" by James Hocker.
19 If somebody wants it, I'll be happy to e-mail you. It's
20 not secret. It outlines what used and useful mean. The
21 Supreme Court of Missouri ruled that current rates should
22 bear only legitimate concerns or -- should bear only
23 legitimate -- you can only charge people that benefit from
24 that, the rate. So what happened, they come down here to
25 my little sewer district that has been working their butts

1 off since it's been there to comply and they are going to
2 raise our rate 314.8 percent. That's just the first round
3 let me tell you that right now. What this is going to do
4 is benefit somebody over here that I'll never be on their
5 water system over in Kansas City or wherever they are doing
6 this because we don't know where this money is going. We
7 can't know that for some reason. This makes this pretty
8 questionable because there is a legal precedent on this
9 that's already been tried for rates, utility rates in the
10 state of Missouri. This guy is doing this all over the
11 midwest and there is lots of investigations that's being
12 started up about it. This would be the same thing as
13 buying up the St. Louis ball stadium and the Kansas City
14 ball stadium and putting new bleachers in the Kansas City
15 stadium and raising the St. Louis ticket prices to pay for
16 it. That's not fair and that's what the State of Missouri
17 said in the Supreme Court, period. I don't care if they
18 use the word "consolidation," that doesn't not absolve you
19 from the law.

20 JUDGE SEYER: All right. Mr. Hughes, can I
21 ask you a question and this is kind of going back. When
22 you first mentioned that in 1968 when your sewer system was
23 put in, it was considered state of the art. You used a
24 term that I wasn't sure I understood or if the court
25 reporter understood. Did you call it a closed loop system?

1 MR. HUGHES: It's a closed looped lagoon
2 system.

3 JUDGE SEYER: Closed looped lagoon.

4 MR. HUGHES: Actually the guy that built that
5 worked for the St. Louis sewer district but he knew all
6 about sewers. This wasn't just some Joe blow contractor
7 that was cutting corners.

8 JUDGE SEYER: Got you.

9 MR. HUGHES: I remember, I was a child but I
10 remember because it was right up the road from my
11 grandparents. There was an article in the paper how this
12 was a model system and as it needed updated, we have done
13 that. To this date, Confluence Rivers has done nothing. I
14 haven't seen a truck there. Nothing. Why do they get to
15 raise my rates to fix some clowns sewer or water problem
16 over in the Lake of the Ozarks when the Missouri Supreme
17 Court says you can't do that.

18 JUDGE SEYER: All right. I apologize, Mr.
19 Hughes, I did kind of interrupt you. Do you have further
20 comments? And if you do, I would just ask you to kind of
21 wrap it up because --

22 MR. HUGHES: No, I was just answering your
23 question.

24 JUDGE SEYER: Chairman Rupp has a question for
25 you.

1 CHAIRMAN RUPP: Thank you, sir. Has
2 Confluence made any upgrades to your system since they took
3 ownership?

4 MR. HUGHES: I haven't seen them there. They
5 have done nothing that I know of.

6 CHAIRMAN RUPP: So your concern is why should
7 residents of your area pay for the upgrades somewhere else
8 when you have been doing the upkeep on your own?

9 MR. HUGHES: Correct because that's what the
10 Supreme Court ruling said. You're welcome to look it up.
11 I'm not making this up, it's there.

12 JUDGE SEYER: All right. Are there any other
13 questions from the Commissioners? How about the parties?
14 All right. Thank you, Mr. Hughes. All right. The next
15 name on the list is Marty Franczak. How did I do with your
16 name?

17 MR. FRAN CZAK: You did pretty good.

18 (Witness sworn.)

19 JUDGE SEYER: Could you go ahead and spell
20 your first and last name for the record?

21 MR. FRAN CZAK: Marty, M-a-r-t-y, last name is
22 Franczak, F-r-a-n-c-z-a-k.

23 JUDGE SEYER: Thank you. Where are you
24 receiving service?

25 MR. FRAN CZAK: I'm in Port Perry or also Lake

1 Perry.

2 JUDGE SEYER: Okay. Port Perry, P-o-r-t,
3 correct?

4 MR. FRAN CZAK: Yes, that's what they put in
5 their letter.

6 JUDGE SEYER: Okay. Go ahead.

7 MR. FRAN CZAK: So we've had a home there for
8 16 years. We are fortunate enough to have a weekend home
9 and main home. The question i have is with a 300 percent
10 increase, the sewer system that we have and the lagoon
11 systems only handle the waste water and not solid waste.
12 So we all have big tanks in our yard that keep the solid
13 waste, big concrete tanks -- --

14 JUDGE SEYER: Septic tanks?

15 MR. FRAN CZAK: Septic tanks. So here are
16 paying for our septic services. We are also paying for
17 their services for the liquid waste yet what they are
18 proposing is going to cost me two times as much as I pay in
19 Jefferson County Missouri for full sewer systems and water
20 systems. I just don't think it's justified at this point.

21 JUDGE SEYER: Your home in Jefferson County,
22 who provides that sewer service, is it the city or county?

23 CHAIRMAN RUPP: It's Rock Sewer System.

24 JUDGE SEYER: How do you spell that?

25 MR. FRAN CZAK: R-o-c-k. Water is from Cl.

1 JUDGE SEYER: Do the Commissioners have any
2 questions? What about the attorneys? Yes, Mr. Clizer.

3 MR. CLIZER: What do you pay for septic
4 services?

5 MR. FRAN CZAK: In?

6 MR. CLIZER: In Port Perry?

7 MR. FRAN CZAK: Right now it's \$33.00 a month.

8 JUDGE SEYER: Thank you, Mr. Franczak. All
9 right. The next name is Mark Skiles.

10 (Witness sworn.)

11 JUDGE SEYER: Can you state and spell your
12 name for the record?

13 MR. SKILES: Mark, M-a-r-k, Skiles,
14 S-k-i-l-e-s. It's on the paper in front of you. So --

15 JUDGE SEYER: Where do you receive your
16 service?

17 MR. SKILES: Terre Du Lac.

18 JUDGE SEYER: Go ahead.

19 MR. SKILES: I believe the fees we are going
20 to be charged are a little bit exorbitant. I think that
21 they should be a little lower than what they are. It's
22 kind of a lot to ask from people. Everybody has got their
23 hand out now for different things. HOA is asking to raise
24 their rates and here we are stuck now with the water and
25 sewer going up and we are just asking for a little relief.

1 JUDGE SEYER: All right. Do the Commissioners
2 have any questions? Commissioner Coleman.

3 COMMISSIONER COLEMAN: Hi, Mr. Skiles. I have
4 heard a couple people mention the HOA. So I take it the
5 residents that is apart of this HOA paid their water costs
6 to the HOA; is that correct?

7 MR. SKILES: No, directly to Confluence.

8 COMMISSIONER COLEMAN: You do get separate
9 bills, okay. That's what I wanted to know. Thank you very
10 much.

11 JUDGE SEYER: All right. Thank you for your
12 testimony. Oops, I'm sorry.

13 COMMISSIONER COLEMAN: How many people live in
14 this Terre Du Lac? Over 1,400, wow. Thank you.

15 JUDGE SEYER: All right. So 1,400 homes not
16 1,400 residents. Just wanted to make sure. The next name
17 on the list is Richard Dewilde.

18 JUDGE SEYER: Mr. Dewilde, can I ask you a
19 question upfront. First, before I forget, where is your
20 property?

21 MR. DEWILDE: Lake Perry.

22 JUDGE SEYER: Are you any relation to Al
23 DeWilde?

24 MR. DEWILDE: Yes, he's my oldest brother.

25 JUDGE SEYER: Okay. Mr. DeWilde, Al DeWilde,

1 used to be my boss at what is now TG Missouri. That would
2 have been about 1989. Sorry, about that. I was just
3 curious.

4 MR. DEWILDE: Very good. I wrote all this
5 down so I wouldn't forget what to talk about so I'll try to
6 get to each point. I was a party intervener that put forth
7 a viable business plan for providing water --

8 JUDGE SEYER: I'm sorry, Mr. DeWilde -- --

9 MR. DEWILDE: My name and how to spell it?

10 JUDGE SEYER: I got sidetracked by my
11 curiosity about my former boss, my late former boss.

12 MR. DEWILDE: I kind of understand that.

13 JUDGE SEYER: I'm reminded about that not just
14 by Commissioner Coleman but others around me I neglected to
15 swear you in.

16 (Witness sworn.)

17 JUDGE SEYER: Could you go ahead and state and
18 spell your name for the record.

19 MR. DEWILDE: Richard, R-i-c-h-a-r-d, DeWilde,
20 D-e-W-i-l-d-e.

21 JUDGE SEYER: I have to for the record, thank
22 Commissioner Coleman for keeping this on the up and up and
23 legal. Go ahead, Mr. DeWilde.

24 MR. DEWILDE: Very good. I'll repeat what I
25 said. I was a party intervener that put forth a viable

1 business plan for providing water and sewer services to
2 Lake Perry community in 2019 and 2020 at a fraction of the
3 cost of Confluence Rivers. You objected to the merger
4 premium they paid to purchase the utility company and we
5 were, we though, reassured that there would be no merger
6 premium allocated in the rates. We know find out that
7 Confluence has some \$29 million in investments they are
8 wanting to recoup. Since we have not been privy to what is
9 included in those improvements, we are unsure if those
10 premiums, which we find out now, is going to be included in
11 those costs. We believe we should have been notified when
12 this rate increase was first proposed so we would have
13 ample time time to review and possibly intervene. Our
14 first notification was merely a couple weeks ago when we
15 found out about these hearings. It is clear that
16 Confluence and Missouri Public Service Commission have been
17 discussing and have received a rate increase request from
18 Confluence and a proposed rate counter from Missouri Public
19 Service Commission. As an original intervener and a
20 customer, we should have been given ample time to review
21 the rate request and respond long before our notice. We
22 are pretty certain Confluence is socializing their
23 investment, actually we know that after hearing today, that
24 they are socializing their investment cost but including
25 all of their Missouri systems with the Lake Perry

1 improvements and possibly including the acquisition system.
2 Our system which is not distressed at the time they
3 purchased it, unlike the majority of systems they purchased
4 in Missouri. We feel like the new expenses, the
5 chlorinator and painting the water tower, which they have
6 done on our system, would be a small fraction of the \$29
7 million invested. We understand their need to recover
8 their cost but it is unfair to have a substantially
9 self-sufficient system pay for a share of the improvements
10 of their distressed systems. Last, the Commission has not
11 served the people of Lake Perry appropriately and the rates
12 being proposed are not just or reasonable. Now the
13 accountant in me comes out. That is if they have \$29
14 million of improvements and as I heard earlier they have
15 4,000 customers. If you divide that out it would only take
16 them approximately 12 years to pay that with only a \$50.00
17 increase in everybody's bill. I thank you very much.

18 JUDGE SEYER: Thank you. Do the Commissioners
19 have questions for Mr. DeWilde? All right. Mr. Clizer?

20 MR. CLIZER: I believe you mentioned both Port
21 Perry or Lake Perry and if you hadn't somebody else had.
22 Just for the sake of the record, is Port Perry and Lake
23 Perry the same?

24 MR. DEWILDE: They are exactly the same.
25 Years ago it used to be called Port Perry and then at one

1 time they changed over to Lake Perry. That was in
2 September of 2003 when they changed over but the service is
3 still called Port Perry Service Company.

4 MR. CLIZER: Okay. So when you're referring
5 to Lake Perry, you're still referring to the Port Perry
6 Service company?

7 MR. DEWILDE: I am.

8 JUDGE SEYER: Thank you, Mr. Clizer. Thank
9 you, Mr. DeWilde, for your testimony. Next name on the
10 list last name is Cox, C-o-x, I'm going to take stab at it,
11 Tyrese? Tyrone. I couldn't read your handwriting.

12 (Witness sworn.)

13 JUDGE SEYER: All right. Thank you, Mr. Cox.
14 Where is your property located that service --

15 MR. COX: Terre Du Lac, I live in the trailer
16 park.

17 JUDGE SEYER: Terre Du Lac. Okay. GO ahead.
18 Your last name is Cox, C-o-x?

19 MR. DEWILDE: Yes, C-o-x.

20 JUDGE SEYER: Could you spell your first name?

21 MR. COX: Tyrone, T-y-r-o-n-e.

22 JUDGE SEYER: All right. Thank you, sir. Go
23 ahead.

24 MR. COX: As stated before, our community has
25 kind of been like companies come in and take advantage of

1 it but I'm just going to stick to Confluence. Prior to
2 this it was told to me when we talked before to the
3 engineers that there was a lot of work that needed to be
4 done. Prior to this, the previous owners were very
5 neglectful apparently. As logistically speaking, when
6 Confluence comes in and you scope out a place or however
7 you want to say it, you bought it. I believe with the
8 prior owners that didn't do, they had to do a cost was put
9 out. Well, I think demographically Terre Du Lac around
10 Bonne Terre, we are one of the poverty in the whole nation
11 as far as what we can pay and what we can't pay as far as
12 values and other things. Even houses be in the \$250,000 in
13 the community, it's actually outside the community like
14 Bonne Terre, we live in a lower poverty area where they
15 come in and you want to raise it I believe total 500
16 percent. When you bought into this logistically why wasn't
17 it, if you say okay, we want to buy a place. This is the
18 money we have to put into it, we are going to put \$1
19 million in and now we are going to come and recoup our cost
20 at \$3 million. We weren't expected such an increase. You
21 say we are going to buy a water department, we're going to
22 get it. You came in apparently you had to know what you
23 were buying into before you bought it and you have people
24 you have to answer to. When you got in there and you
25 bought, well, there is some problems. Then you had to fix.

1 As a company, that was the risk that was on you. That's
2 what I feel like. Then that risk ended up being because of
3 us being an HOA, the previous company failed to do
4 anything. The previous owner, or HOA now speaking, owns a
5 golf course. Here is my point, if he did nothing at all
6 and you come in and have to fix a bunch of stuff that was
7 neglected, that's not our fault. When you bought into it,
8 you had to come in here knowing there were problems. Any
9 time you research anything, you go buy a car and you want
10 it to be good. You say I'll get a payment plan 2 percent,
11 no, I'm going to charge you 150 percent. You said that 2
12 percent but you're just going to raise it up. We didn't
13 know or anybody else coming in. We have a water bill and
14 who are we to say 150 percent or whatever. We are trying
15 to pay what we can. We are in a demographic area to where
16 there is a lot of people that are senior citizens that
17 basically made Terre Du Lac what it is. We have had other
18 people come in and build their big houses and do their
19 thing. Still the people that were there have to deal
20 with -- they are not all \$250,000.00 houses. There are
21 some on the lake, true, but the majority of the residents
22 do not live on the lake. If you do a demographic area and
23 look at it but yet our water system and infrastructure had
24 to be taken care of it and it wasn't. You came in and you
25 bought and we are basically getting beat up again. Before

1 nothing was done and now everything had to be done but on
2 the other hand, is it the people's fault? We had to
3 apparently he decided to sell, okay. Whatever companies
4 decide to come in and buy and take over, you had to know
5 there was some problems before you bought it. Because you
6 find out there may have been more previous problems to it,
7 maybe not as good of an investment as you thought it was,
8 now let's see how much we are going to increase the
9 interest rates up. I have seen numerous things done.
10 Confluence has done some things good. I'm going to put
11 right with right. Then there are some problems. When
12 bought into this, you had to have known that there were
13 other problems because everybody knew there was problems.
14 Everybody around the local community around Terre Du Lac
15 knew there was problems. Why should we have to -- because
16 what I said to the engineers before, if maintenance wise
17 would have been taken care of. The maintenance would have
18 been maintained and you bought into this, would that affect
19 it when you bought into us, would it be 100 percent, would
20 be 50 percent? Or because you had to pay for everything
21 that wasn't done at 500 percent. Well, that's not our
22 fault. I mean, gradually increase, I understand. On the
23 other hand of it, I mean, you know it's like I had asked a
24 question, how much did you put out with the engineers. I
25 seen your paperwork here and you said I can't answer that.

1 Well, okay. I good get in my trailer, nobody wants to
2 mention a trailer park. Well tough, I pay assessments.
3 I'm entitled. I'm entitled to say, hey, I get water and I
4 get good water. I get egg smells in my trailer or I get
5 high bleach to take a shower. That is what I'm getting
6 right know. My alkaline level is 256 on a thing that I had
7 done come in.

8 JUDGE SEYER: Mr. Cox, your what levels
9 because you kind of turned away from your microphone.

10 MR. COX: 256.

11 JUDGE SEYER: Those were you for what level?

12 MR. COX: AOK, 264. It shows in the red.

13 JUDGE SEYER: Alkaline.

14 MR. COX: That was done actually by the DNR.
15 It don't matter. I'm just saying because I was smelling
16 this and all I'm trying to say is that we are a community
17 that really in reality are not rich. With that being said,
18 there are nice homes. There is a set of people that we
19 live that is like where are separate in this community.
20 Well, I live in a trailer. My average price is not
21 \$250,000.00. Well, what I'm saying is in my area, not much
22 gets done. Okay. We are just going to talk about water.
23 Before this, with an HOA, anybody that gets on something
24 there in the HOA had control of that water department
25 before. Then because it wasn't done, Confluence bought it,

1 okay. Had to do the work to make sure everything is up to
2 standards. Some of this, some of the radon levels were up
3 and stuff or whatever before that. My only thing is that,
4 you know, we shouldn't have to pay for the neglect of the
5 past. Not to an exorbitant amount. But I'm also speaking,
6 you know, if you go to purchase something, how you would
7 not know that all of these problems weren't there? Did you
8 expect to get a certain amount of return? I mean, that's
9 what it kind of feels like. I'm going to present X number
10 percent. I'm just looking at the 200 something, 205 and
11 320 percent. I don't want to talk about all over.

12 JUDGE SEYER: Mr. Cox, your main point is over
13 the years when the HOA, we'll call it your water system,
14 you assumed maintain the water system -- I'm sorry. Okay.
15 I apologize.

16 MR. COX: HOA, how would you say this when
17 someone on the board in that is on the board and they
18 purchased the old TDL utility. What I'm saying is -- we
19 ended up paying, okay. What I'm trying to say here is that
20 okay. I don't want to take something way out of something
21 that isn't.

22 JUDGE SEYER: I'm not trying to put words in
23 your mouth or anything, but I want you to try and wrap this
24 up.

25 MR. COX: Okay. Basically in the past,

1 however they want to say it, we never owned anything. No,
2 we have to pay for it now. If they raise it up, let's say
3 100 percent on that or whatever, I don't know. I'm just
4 saying anything that was done in a community, we are always
5 paying for. I mean, now Confluence comes in and they have
6 fixed some things, that's true. But now, you know, to what
7 degree, we are not all -- okay. We are not all privy to
8 \$250,000.00 homes in the area. We are not all privy to
9 whatever bit we have the elderly. We have the disabled.
10 We have all of this comes in and that is a concern with
11 however, you know, the prices coming. If you buy
12 something, you know, you check it out. That's basically
13 what I'm saying, Your Honor.

14 JUDGE SEYER: Let me check with the
15 commissioners and see if they have any questions for you.
16 All right. Any questions from the attorneys from the
17 parties. Yes, Mr. Clizer.

18 MR. CLIZER: Very quick. You mentioned
19 problems regarding taste alkaline levels. Did those
20 beginning before or after Confluence took over the system?

21 MR. COX: Actually both.

22 MR. CLIZER: All right. Thank you. No
23 further questions.

24 JUDGE SEYER: Thank you. And the next name on
25 the list is Rick Francis.

1 (Witness sworn.)

2 JUDGE SEYER: Could you state and spell your
3 name for the record.

4 MR. FRANCIS: Rick Francis, R-i-c-k,
5 F-r-a-n-c-i-s and my home district is Lake Perry.

6 JUDGE SEYER: Lake Perry. Okay. Thank you,
7 go ahead.

8 MR. FRANCIS: Thank you for the opportunity to
9 testify. For the record, I'm State Representative Rick Francis
10 serving District 145, which includes Lake Perry. I'm also
11 a lot owner at Lake Perry. I opposed to socialized
12 approach to have the same rates for all of your water and
13 sewer districts. Let me use an analogy, if you're a farmer
14 selling a 1,000 pound steer and another farmer has a
15 400-pound steer, but you know what we are going to share.
16 Everything is going to get treated equal. I can tell you
17 would have some ticked off farmers just like you're going
18 to have some ticked off customers. I'm also opposed over
19 the appraisal value of Lake Perry as part of the request
20 for a rate increase. I understand the physical tangible
21 items like fences, painting, et cetera but not the extreme
22 overpayment at purchase. I sincerely ask the PSC to hold
23 this rate increase down based on what improvements were
24 made for each individual district. Thank you for the
25 opportunity to testify.

1 JUDGE SEYER: All right. Thank you. Are
2 there any questions from the Commissioners? All right.
3 Any from the attorneys for the parties? All right. Thank
4 you.

5 MR. FRANCIS: Thank you.

6 JUDGE SEYER: All right. Next up is Cindy
7 Bohley.

8 (Witness sworn.)

9 JUDGE SEYER: Could you go ahead state and
10 spell your name for the record?

11 MS. BOHLEY: Cindy, C-i-n-d-y, Bohley,
12 B-o-h-l-e-y and I am from Lake Perry.

13 JUDGE SEYER: All right. Go ahead.

14 MS. BOHLEY: Yes. I'm just wanting to talk
15 about the excessive gouging on this rate increase that they
16 are trying to give us. Me and my husband, we are -- the
17 property that we have is a camping lot. So we are
18 seasonal. Obviously we can't use it, you know, twelve
19 months out of the year because of the weather. We do not
20 have the capacity like your -- I'm not say that trying to
21 go against the residents residential places, but we don't
22 have the amount of capacity. We don't use that amount of
23 water, sewer or whatever as a regular home would use. I'm
24 not saying that we don't -- that we shouldn't have a rate
25 increase because we haven't had one since we've been there.

1 We have been very fortunate with the rates that we are
2 paying. I'm asking that things should be reasonable and
3 that a 200-300 percent increase when you're only using the
4 facility that you're being charged for six, eight months
5 out of the year at the most and only on weekends as, you
6 know, just part time seasonal recreational time. I'm just
7 asking that there possibly maybe be some sort of a
8 different scale or something to people that are part timer,
9 recreational users instead of residential areas. That's
10 really all I needed to say.

11 JUDGE SEYER: Okay. Thank you. Are there any
12 questions from the Commissioners? Chairman Rupp?

13 CHAIRMAN RUPP: When was the last rate
14 increase, do you know?

15 MS. BOHLEY: We purchased in 2008 and we have
16 been paying the same since.

17 CHAIRMAN RUPP: All right. Thank you.

18 JUDGE SEYER: All right. Any other questions
19 from the Commissioners? All right, Mr. Clizer.

20 MR. CLIZER: Sorry, Your Honor, I have a lot
21 of questions today. You mentioned your residence in a
22 camping lot. Am I correct that is a spigot and -- can you
23 just describe what that is?

24 MS. BOHLEY: Ours is not concrete. Ours is
25 gravel, but we do have a water spigot and we have in the

1 ground where our water goes.

2 MR. CLIZER: So is your lot individually
3 metered?

4 MS. BOHLEY: Yes.

5 JUDGE SEYER: Okay. And is your lot part of a
6 larger camping lot community?

7 MS. BOHLEY: Yes. The specific area that we
8 are in is called Tanglewood Trails and that is strictly all
9 campers.

10 MR. CLIZER: Okay. And each one of those lots
11 is individually metered?

12 MS. BOHLEY: Correct.

13 MR. CLIZER: No further questions.

14 JUDGE SEYER: Just so I'm clear about this, so
15 there is a portion of Lake Perry for permanent homes and
16 then there are also pads for trailers?

17 MS. BOHLEY: Right. The specific area that we
18 are in Tanglewood Trails is all campers. However, there
19 are also areas on the other side of the lake that have
20 campers also. Some are permanent campers. Others are just
21 by permit only to where they have to get a permit to come
22 in on the weekends.

23 JUDGE SEYER: All right. Thank you. Next up
24 is Debra Neuhoff. If you do without destroying the
25 equipment. Thank you.

1 (Witness sworn.)

2 JUDGE SEYER: Could you go ahead and state and
3 spell your name?

4 MS. NEUHOFF: Deborah, D-e-b-o-r-a-h, Neuhoff,
5 N-e-u-h-o-f-f.

6 JUDGE SEYER: All right. And where is your
7 property located?

8 MS. NEUHOFF: Our property is located at Lake
9 Perry, Tanglewood Trails, just as the previous speaker.

10 JUDGE SEYER: Okay.

11 MS. NEUHOFF: So two years ago we purchased
12 our lot at Lake Perry and budgeted according to the current
13 utility rates. We expect increases but not like this.
14 It's as was stated a recreational community and we are not
15 there full time. We pay the bills year round as expected
16 but we don't use a lot of water in the time we are there.
17 So my bill is going to go from \$27.71 a month to \$118.73.
18 The sewer portion as listed on my bill is \$14.21 and it's
19 going to \$80.00. The water portion is listed at \$13.23 and
20 I think that's all based on usage. It will be going to
21 \$38.73, which gives us that total. So if we get the
22 proposed, the water portion will be \$29.00 but we only use
23 \$9.54 worth of water. I feel like it should be more based
24 on usage. The next thing is the single tariff pricing and
25 other people have kind of stated this, the community, some

1 are older and some are newer. I'm not here for the life of
2 all of these systems. So to have to pay for the life of
3 all of these systems, it doesn't make me happy. Again, I
4 think it should be usage. Then it's my understanding that
5 this utility was purchased from Lake Perry, or purchased
6 from the previous. It was a very high price, Lake Perry
7 wanted to acquire it and manage it themselves. Now all of
8 a sudden we are seeing these crazy increases. I have to
9 say, I'm kind of common sense person, but Confluence knew
10 what they were getting. Confluence knew that the
11 improvements would need to be made. It was mentioned that
12 the rates could even go down after these improvements are
13 made but I have never had a rate go down on anything. I
14 don't know. The truth is I feel like Confluence is either
15 poorly managed or they are doing a great job and they are
16 going to make a huge profit once these improvements are
17 done. That's all I have.

18 JUDGE SEYER: Any questions from the
19 Commissioners? All right. How about from the attorneys
20 for the parties? All right. Ms. Neuhoff, thank you.

21 MS. NEUHOFF: Thank you.

22 JUDGE SEYER: Next on the list is Steven
23 Rosier. All right. Mr. Rosier has chosen not to testify.
24 That's fine. Then next up is Gary Gotsch.

25 (Witness sworn.)

1 JUDGE SEYER: Would you state and spell your
2 name for the record?

3 MR. GOTSCH: My name is Gary, G-a-r-y, last
4 name Gotsch, G-o-t-s-c-h. I have a home in Terre Du Lac.

5 JUDGE SEYER: Go ahead Mr. Gotsch.

6 MR. GOTSCH: Okay. I only have a couple
7 things here. One I'm opposed to the single tariff pricing.
8 I don't think that is fair. The other thing I have here is
9 in your handout that PSC gave us here kind of oversee that
10 said, "The proceedings before the Commission rates are to
11 set to give the utility company an opportunity but not a
12 guarantee to earn a reasonable return on its investment
13 after recovering its incurred expenses." My question is
14 the rates they are asking a reasonable rate of return on
15 their investment.

16 JUDGE SEYER: All right. Are there any
17 questions from the Commissioners? How about from the
18 attorneys from the parties? All right. Thank you, sir.

19 MR. GOTSCH: Thank you.

20 JUDGE SEYER: Next up is Dennis Minear. I'm
21 batting 333, which is better than most of the Cardinals
22 nowadays.

23 (Witness sworn.)

24 MR. MINEAR: My name is Dennis, D-e-n-n-i-s,
25 Minear, M-i-n-e-a-r.

1 JUDGE SEYER: All right.

2 MR. MINEAR: And I live at Deer Run Estates.

3 JUDGE SEYER: All right. Go ahead.

4 MR. MINEAR: In fact, our system was only
5 acquired about eight months ago at the beginning of
6 November. So we have only been with Confluence Rivers for
7 a very short time. During the time that we were
8 negotiating the take over of our system, I say take over
9 because we were paid \$1.00 for our system, not like the
10 other folks. I was the president of the association there.
11 I have since moved over to being the treasurer of the
12 association. I can tell you that over the last ten years
13 or so, our cost for maintaining and operating our sewer
14 system have been roughly to \$25,000.00 a year. That's
15 paying an operator monthly fee plus additional occurrences
16 of blockages and whatever we had to take care of. So the
17 rate that Confluence Rivers is asking for is quite a bit
18 higher than what we know the cost to be. We understand --
19 I understand the concept of shared risks when it applies to
20 an insurance company or to a company like Confluence Rivers
21 when they take over a system like this, but we were also
22 told previously that this rate increase would only apply to
23 cost that had already been incurred. So I don't see how
24 rate increase of 314 percent warrants that. It was also
25 mentioned too that, they mentioned that all systems require

1 same or similar investment, okay. I understand that over
2 the lifetime of a system, they are going to be very similar
3 in their investment. But, again, if this rate increase is
4 to pay for previously incurred expenses, then that would
5 not apply in this case. Confluence Rivers, you know, when
6 we sold the system to them or transferred the system to
7 them, I assumed at the time, wrongly so, that there would
8 be more communication between the company and the
9 association as far as what was going on with the system.
10 Just to give us a heads up if nothing else. Earlier today,
11 an engineer mentioned that most of the systems were in
12 distressed or poor condition. I know for a fact that our
13 system was in very good shape because we had just completed
14 a state inspection. In fact, had to wait to transfer the
15 system until our inspection was complete and passed.
16 During that process one of the things that the state
17 inspection staff, DNR staff mentioned that our berms needed
18 to be fixed essentially. They noticed a couple of minor,
19 and I do say very minor cases of erosion on the inside of
20 the berms. Nothing that would have created any sort of
21 problem at any time in the near future. They asked you us
22 to correct that, which we did. We increased the side of
23 our berms between the lagoons. The sells of the lagoons.
24 We rip raped or put rock around the entire inside of all of
25 the berms. In fact when the staff from Central States, the

1 guys that came to do the pre-inspection, they were
2 pleasantly surprised at the state of our system that it did
3 not require any major work or anything. We do know they
4 are planning on installing remote monitoring system, that's
5 fine. That only helps them. The cost of that should not
6 warrant the increase they are asking for. They also
7 mentioned e-coli being out of range for the DNR. To my
8 knowledge I only know of one instance and it happened
9 several months prior to them taking over the system. If it
10 happened after to them taking over the system, as many
11 people have said, again, that's on them. We are not
12 properly chlorinating and dechlorinated the water. There
13 was also mention of dead animals in the outlet pipe.
14 That's kind of a fact of life when you live out in the
15 middle of the country. We are not in the city. We are out
16 in a rural area. It is a property owners association type
17 setup and not a municipality. So the animal life is a fact
18 of life out there. I can think of a number of ways that
19 you can probably alleviate that. I would think that an
20 engineer with a multiple year education should be able to
21 do the same thing. There have been a number of mentions
22 here about communication. I think you mentioned as well
23 talking with one the ladies that texting would be a good
24 option. I have a degree in computer science. I know that
25 you could easily set up a system that would text everyone

1 when there was an issue with their water systems. For us
2 it's not a problem. Our water is from the county so all we
3 have is a sewer system. Our sewer system is a gravity
4 system. It's very basic. There is a sewer plant. It's
5 pipes and a lagoon. I've had extensive conversations with
6 the prior operator. He explained to me his process. It's
7 a very simple process. It could stand for some
8 improvements, I'm sure. With that we understand there
9 could be some rate increases somewhat. We've been on a
10 \$20.00 flat rate since they took over. If they knew that
11 these rate increases were going to happen and they
12 obviously did because the case had already been filed or
13 prefiled. They had given you notice they were going to
14 filing a case, then I feel those rates should have been
15 higher initially so they didn't increase by a 314 increase
16 now. In short, we hope that the Public Service Commission
17 does consider all of the facts. I know the Office of Public
18 Counsel does. I have read through all of the briefings or
19 at least skimmed through them all. There wasn't a lot of
20 time to read through them. I know the Office of Public
21 Counsel has raised a number of objections and given
22 alternatives to the rate increase and I seriously request
23 that the Board seriously consider some of those and try to
24 do the right thing to alleviate the impacts on everybody
25 here, not just us.

1 JUDGE SEYER: Okay. All right. Chairman
2 Rupp.

3 CHAIRMAN RUPP: You said your system sold to
4 Confluence eight months ago for \$1.00?

5 MR. MINEAR: Yes, sir.

6 CHAIRMAN RUPP: What was the reason for the
7 sale?

8 MR. MINEAR: Mostly we were wanting to -- our
9 operator that had been doing it for a number of years had
10 gotten to the point he actually wanted to retire so he
11 wanted out of the business. Trying to find another
12 operator that would come in and do it was sketchy at best.
13 Then there was also the hope that we get out under
14 liability if there were something to happen to our sewer
15 lines or anything like that.

16 JUDGE SEYER: Any other questions from the
17 Commissioners? Hearing none. Mr. Clizer.

18 MR. CLIZER: I believe you mentioned I
19 apologize if I misquoted you, \$20,000 to \$25,000.00 is what
20 you spent?

21 MR. MINEAR: Yes, sir.

22 MR. CLIZER: Do you know how much of that
23 specifically was employing the operator?

24 MR. MINEAR: We paid him \$850.00 a month so
25 that would have been \$10,000.00. I would have to do the

1 math in my head.

2 MR. CLIZER: That's enough, \$850.00 a month
3 all I need to know.

4 MR. MINEAR: And then primarily in the spring
5 when we would have heavy rains, we might get a blockage at
6 the far end. Our system, we have a long, narrow lake. So
7 our system feeds from houses on both sides down to the
8 lines into the lake essentially.

9 MR. CLIZER: So I'm assuming that this
10 operator was independent?

11 MR. MINEAR: Yes. Well, I mean he has a
12 company but yes. It was not a major company or something
13 like Confluence Rivers but he's an independent.

14 MR. CLIZER: And you said that he retired
15 shortly before or after the sale?

16 MR. MINEAR: He actually wanted to retire at
17 the end of June but he held on until the end of the sale
18 not only for us but for other customers too.

19 JUDGE SEYER: All right. Thank you. Next up
20 on the list is Shelly Pelker.

21 (Witness sworn.)

22 JUDGE SEYER: Could you go ahead and state
23 your name and spell it for the record.

24 MS. PELKER: Shirley, S-h-i-r-l-e-y, P, as in
25 Paul, e-l-k-e-r.

1 JUDGE SEYER: Where do you receive service?

2 MS. PELKER: Lake Perry. May I first observe
3 I'm wearing red for two reasons because I'm part of the
4 Lake Perry community but also it says America down the
5 side. My comments have more to do with the America down
6 the side than they do with Lake Perry. I feel like I'm in
7 a twisted replay of the proverbial David and Goliath story
8 with the reverse ending. This is not the first time I have
9 felt this way. In 2020 the Lake Perry community petitioned
10 the Public Service Commission, as Mr. DeWilde has pointed
11 out, to allow us to purchase and run our own utility in
12 order to make it a true service and not a profit making
13 venture. We were denied this by the Public Service
14 Commission. The denial came as no surprise to me after
15 these following observations, which I personally made by
16 attending the two-day hearing in Jefferson City. It was
17 apparent to me as I observed folks greeting each other that
18 Mr. Cox, who was the owner of Confluence Rivers, was well
19 known among the Commissioners and others in Jefferson City.
20 This was observed by me watching people greet each other in
21 the hallways and in the hearing room. Mr. Cox had a team
22 of several lawyers, I think I counted four, whereas we
23 struggled to employ one. We were pleased to have the
24 services of Mr. Clizer as well. No. 3, I observed the
25 witness leave the stand and as he returned to his seat, he

1 winked at Mr. Cox. I was appalled. When our lawyer
2 brought up the fact that Mr. Cox had previously filed
3 bankruptcy. I don't recall his name but he was seated at
4 the left in 2020, sat up to the microphone and berated our
5 lawyer for bringing up this fact. This commissioner was
6 highly upset and became red in the face defending Mr. Cox.
7 This was not the behavior I expected from an impartial
8 person. Lastly, of the two days of hearing, I don't know
9 let's say we were five and six hours the first day and four
10 the second, I'm not positive. I observed commissioners
11 coming and going through the doors that were on the side.
12 My estimate of one person participation was approximately
13 15 minutes of the two days. My thought was how is he going
14 to know what was going on of the two days when he was only
15 there 15 minutes. I presume there was probably a book that
16 thick of all the testimony but quite honestly, did he read
17 it? As I see it, it is the job of the Public Service
18 Commission to watch out for people like us. To protect us
19 and not to let a company become a monopoly and take
20 advantage of its constituents. So I'm simply asking the
21 Public Service Commission to do their job and watch out for
22 us.

23 JUDGE SEYER: All right. Any questions from
24 the Commissioners? Any questions from the parties? All
25 right. Thank you, Ms. Pelker. Next on the list is Bob

1 Pelker. Yes, we are going to have to adjust that
2 microphone. Mr. Pelker is quite a bit taller than Shirley
3 Pelker. I'm going to strike that from the record, sir.

4 (Witness sworn.)

5 JUDGE SEYER: All right. You are Bob Pelker,
6 correct?

7 MR. PELKER: Correct.

8 JUDGE SEYER: How do you spell your last name?

9 MS. PELKER: B-o-b, P-e-l-k-e-r.

10 JUDGE SEYER: Are you also of the Lake Perry
11 resident?

12 MR. PELKER: Yes.

13 JUDGE SEYER: Go ahead and give us your
14 testimony.

15 MR. PELKER: My wife and I have a home in Lake
16 Perry for over 33 years. We are on a fixed income. Now we
17 got an 8.7 percentage in COLA this past year, which is
18 highly unusual. There has been in the last ten years as
19 little as no increase and usually 1 point something or 2
20 point something but we got an 8.7 increase, which we gladly
21 accepted. Confluence is asking 133 percent on sewer and
22 144 percent on water, which is like 482 percent total. To
23 me, the scales are titled there. I'm just asking as a
24 person on a fixed income, as well as the other people at
25 Lake Perry, that the board consider this as an outrageous

1 increase. I understand that they have to increase the
2 rates at one point or another but I don't think 482 percent
3 is justified.

4 JUDGE SEYER: All right. Are there any
5 questions from the Commissioners? Questions from the
6 parties? Thank you, Mr. Pelker. There are nine names left
7 on the list and the next one looks like Sue Lawrence. Is
8 that correct? Is there a Mr. or Mrs. Lawrence? All right.
9 Let's get to the next one. The next one is Michelle Brown.

10 (Witness sworn.)

11 JUDGE SEYER: All right. Thank you. Can you
12 go ahead and state and spell your name for the record?

13 MS. BROWN: Michelle, M-i-c-h-e-l-l-e, last
14 name Brown, B-r-o-w-n just, like the color.

15 JUDGE SEYER: Where do you receive service?

16 MS. BROWN: Terre Du Lac, also known as TDL.
17 So TDL is a small community. We work on a system that has
18 lagoons and wells. We don't have a fancy water treatment
19 facility. We vary our homes from some gorgeous lake homes
20 to the trailer park. The average income for families is
21 around \$66,000.00 per year. We aren't deathly rich. We
22 have to drive really far to get to anything. We are not
23 part of Bonne Terre despite our address so we don't get the
24 privileges of that community near a town. We are literally
25 a community run by an HOA. Our water company was created

1 by the original developer as my understanding. It was then
2 sold to a family who ran it who in turn sold it to
3 Confluence. We haven't had an increase in a while and I
4 understand an increase is necessary. I understand we have
5 some problems with our systems. Even more so now that I've
6 heard our fire chief talk. Do these problems justify an
7 increase that would take the average water and sewer bill
8 together from \$42.40 to \$152.23 especially in an economy
9 where an average grocery bill that used to be \$200.00 a
10 week is now \$400.00. It's not going to be fair to our
11 fixed income retirees in that community. To our average
12 family who have two children, one may be going to college
13 soon. It is not fair that we be asked to pay a fee divided
14 amongst a bunch of communities. We have communities here
15 and communities in different parts of Missouri. Some who
16 have shown they don't need an increase in that area. Maybe
17 TDL does. I don't know because we have been given no
18 numbers. Nothing to show what of this \$29 million is
19 related to TDL. That \$29 million, is that mostly made of
20 the cost for Confluence to purchase all of these
21 communities? If so, they are making a purchase. It's a
22 business. That should come not in outrageous increases to
23 the consumer that has to use them. That's something they
24 need to blend out throughout the lifetime of their
25 business. Again, I understand that we have to have an

1 increase but not an increase like this. It's unfair. It's
2 unneeded. It's just downright criminal in my opinion
3 because you're going to make families lose something. What
4 are they going to give up? Are they going to give up their
5 electric? Taking their kids to a baseball game so the kids
6 no longer going to be athletic? Something has to give and
7 right now, I think it's time for Confluence to give a
8 little bit and not take it all from us. If they need to do
9 it as a flat across the board, then it needs to come down a
10 lot because we are not paying for future. According to
11 them we are paying for what has already been put out. I
12 don't believe that \$29 million was put into TDL. It just
13 wasn't. Maybe \$3 million, so what's our increase on \$3
14 million? That's all.

15 JUDGE SEYER: All right. Thank you. Any
16 questions from the Commissioners? Any questions from the
17 parties? All right. Thank you, Ms. Brown. Next up is
18 Eric Wagner.

19 (Witness sworn.)

20 JUDGE SEYER: Okay. Just a second, Mr.
21 Wagner. The Chairman was pointing out that there are a few
22 people that are leaving. I just to remind everyone that
23 they can make, even if they have to leave, they can make
24 comments online via the PSC website at "psc.mo.gov." It
25 will be treated the same as the testimony today. It will

1 be reviewed by the Commission. So, Mr. Wagner, could you
2 state and spell your name for the record?

3 MR. WAGNER: Yes. It's Eric, E-r-i-c, Wagner,
4 W-a-g-n-e-r. I live in Terre Du Lac.

5 JUDGE SEYER: Go ahead.

6 MR. WAGNER: Question, am I allowed to ask
7 this attorney a question? They are simple and basic. How
8 many communities are we talking about, Terre Du Lac, Lake
9 Perry?

10 MR. WOODSMALL: In total Confluence has 68
11 systems.

12 MR. WAGNER: Oh 68 systems, so this will
13 affect all of those, correct?

14 MR. WOODSMALL: If you want to ask questions,
15 I would ask you to talk to Mr. Silas. He should be able to
16 help you.

17 JUDGE SEYER: And for the record that was Mr.
18 Woodsmall.

19 MR. WAGNER: I just wanted to get a feel for
20 what's being represented here today. It looks like there
21 is three, Lake Perry, Terre Du Lac, Doe Run.

22 JUDGE SEYER: Deer Run, like the animal
23 although a doe is an animal.

24 MR. WAGNER: I have worked for utility for
25 almost 30 years and I'm familiar with the equipment and the

1 cost of things. I understand things have gone up crazy in
2 the last couple years. I'm not really seeing \$29 million in
3 paint, power washing, and towers. I'm familiar with
4 analyzers and talking about implementation of chlorine --
5 I'm just reading off their paper, equipment analyzer,
6 repair of storage tanks, new booster pumps. Some of that
7 stuff is expensive. Some of it is not. Toxic, you know,
8 monitor toxic stuff and things like that. Fortunately in
9 our community, I'm not really a fan of combining everybody
10 together to Terre Du Lac's own demise. I touched on them
11 earlier with the water lines being too small, the sewer
12 lines being too small. I'm just curious if an honest
13 engineering evaluation and estimate of what needs to be
14 done all the way across the board on every lakefront
15 community has honestly been done and list of all the things
16 and all the things that need to be improved and not be
17 improved. Some stuff needs to be addressed right away and
18 some stuff can hold off. So I'm just asking you guys to
19 really put their feet to the fire and ask them to be honest
20 when it comes to laying out some serious ground work when
21 it comes to the inspection that you guys got maybe in the
22 beginning and now of all the communities and what is really
23 needed for each one. Can some of this stuff be spread out?
24 You listen to these people talk and there is a lot of pain,
25 you know, in having to come with extra money. Medical

1 bills aren't being paid, food maybe isn't being bought.
2 You know, they are having to shut the air condition and
3 sweat at night when they are trying to sleep. Some of
4 these people are up in age. I'm blessed I can pay my bills
5 at least for now. Hopefully it continues to stay that way.
6 I just think it seems to me like, can I use an analogy?

7 JUDGE SEYER: Sure.

8 MR. WAGNER: You got an old muscle car and you
9 want it restored. You take it two shops. One shop
10 inspects it thoroughly and gives you a list of every single
11 thing it needs and give you a number. You go, oh I get it.
12 It's going to be expensive. Then you take it another shop
13 and they say well, I don't know, man. They scratch their
14 head when they do that and say it's going to cost
15 \$150,000.00 to do that. That's pretty much what it's going
16 to cost. That's kind of what I'm seeing when I look at
17 Confluence as far as I just really don't see where they are
18 really spelling out and saying this is the plan that we are
19 going to have to replace your sewer lines. This is what
20 we're going to do to replace your water lines. They are
21 just coming up with this huge number and rate increase and
22 saying this is what we want and this is what we want now.
23 Trying to figure out what's realistic and what's in fantasy
24 land. Trying to figure out what's an actual realistic
25 number. That's where the honest word comes in when it

1 comes to an honest inspection who is certified. An
2 engineer who really knows what he's talking about. Looking
3 at all the systems and seeing what really needs to be
4 touched and what can be left alone for now.

5 JUDGE SEYER: Okay. Are there any questions
6 from the Commissioners? How about from the attorneys from
7 the parties? Thank you, Mr. Wagner. Next up is Mr.
8 Miller.

9 (Witness sworn.)

10 JUDGE SEYER: Could you go ahead and state and
11 spell your name for the record?

12 MR. MILLER: Mickual, M-i-c-k-u-a-l, Miller,
13 M-i-l-l-e-r.

14 JUDGE SEYER: Where do you have service?

15 MR. MILLER: Terre Du Lac.

16 JUDGE SEYER: Okay. Go ahead.

17 MR. MILLER: First off I adamantly oppose the
18 combined billing they are proposing. I think that should
19 be taken off the table right away. Once we get past that,
20 I think we should take each individual community, figure
21 how much they have spent and then come up with a rate
22 increase based on that. They are kind of a monopoly in
23 each location. There is not outside competition so I don't
24 know why it wouldn't be reasonable to have a 15 to 20 year
25 return on their investment of course barring any future

1 work they would do but that would be on a separate increase
2 anyways. That's pretty much all. I just think it's too
3 much.

4 JUDGE SEYER: Are there any questions from
5 Commissioners? No. How about from the attorneys? No.
6 Thank you, Mr. Miller. Next up it looks like Don Davidson.
7 Is there a Mr. or Mrs. Davidson. I'm going to say I'm
8 wrong about Don.

9 MR. DAVIDSON: It's fine. I get that a lot.
10 It's Dion, D-i-o-n, Davidson, D-a-v-i-d-s-o-n.

11 (Witness sworn.)

12 JUDGE SEYER: I'm going to ask you again to
13 spell your first and last name.

14 MR. DAVIDSON: Dion, D-i-o-n, Davidson,
15 D-a-v-i-d-s-o-n.

16 JUDGE SEYER: All right. Where is your
17 property located?

18 MR. DAVIDSON: I have a residence in Terre Du
19 Lac community.

20 JUDGE SEYER: All right. Go ahead.

21 MR. DAVIDSON: I purchased that in 2006.
22 Since that time we have already seen a 200 percent rate
23 increase over the years in our billing, like I said, it's
24 what we've incurred over that time. I have properties in
25 three different counties in Missouri. This is the highest

1 property as far as water service and sewer service that I
2 pay out of three properties. I actually disagree if you
3 ask the Commission and even ask Confluence as far as the
4 information they provided today that we've had considerable
5 issues with our service throughout the years. It's
6 continued. It's gone on. I've personally purchased our
7 own water filtration system. We've bought our own water
8 bottles in order to bring in because we can't drink the
9 water. This is all costs that we have incurred as a
10 resident of the consumer. I think it's kind of excessive
11 and I think it actually should be denied by the Commission
12 until we actually get some kind of description or some kind
13 of pattern that we can see, you know, that we have actually
14 done some changes as far as the service and the product
15 they provide us. The consumer as far as the trust in the
16 Commission and the water service we are getting now doesn't
17 exist in Terre Du Lac as far as a community. I think
18 you've heard that all day. It's just been continual and
19 continual. That's primarily my concern now. I don't
20 believe we warrant an increase right now especially at this
21 rate at the current service that we receive as a consumer.

22 JUDGE SEYER: Yes, the Chairman has a question
23 for you.

24 CHAIRMAN RUPP: You said you had problems with
25 the current water system and you had to go out and purchase

1 your own filter? Was that during or since the Confluence
2 takeover or was that a history of --

3 MR. DAVIDSON: This is a history of 2006 since
4 this time when I purchased the home.

5 CHAIRMAN RUPP: When have you noticed any
6 since Confluence has been -- --

7 MR. DAVIDSON: I still have an odor currently.
8 That's been there off and on. The boil order systems that
9 come out, we don't know when that's coming as far as
10 communication. I actually have an issue right now. I have
11 a credit on my bill because they have double billed us and
12 even actually came out and hung a piece of paper on my door
13 and told me they were going to discontinue service even
14 though the bill was paid. So we double paid up on that.
15 That's an issue I have right now. Communication is weak, at
16 best. It really is.

17 JUDGE SEYER: Any other Commissioners have
18 questions? Mr. Woodsmall has a question of you.

19 MR. WOODSMALL: Same question as before, would
20 communication through text be better for you?

21 MR. DAVIDSON: I think it would be. I mean we
22 are not getting anything right now. When I did try to
23 contact the company, it took several attempts to even get
24 ahold of the individual that we could even answer the
25 question to help us. So we finally got ahold of the

1 consumer and they credit the bill. We had to go through
2 the bank and get the copies of the payment and stuff like
3 that to accept it.

4 JUDGE SEYER: Thank you, Mr. Davidson.

5 MR. CLIZER: Did you say it took several
6 attempts to get through to Confluence?

7 MR. DAVIDSON: Yes, we finally got someone who
8 could help us and assist with it.

9 MR. CLIZER: So you got ahold of them, it just
10 took several attempts to find somebody to pick the problem?

11 MR. DAVIDSON: Yes, it was the number on the
12 billing.

13 JUDGE SEYER: And for the record those were
14 Mr. Clizer and Commissioner Coleman has a question.

15 COMMISSIONER COLEMAN: Mr. Davidson, do you
16 reach out to Confluence through a local number or is there
17 an 800 number?

18 MR. DAVIDSON: I believe it's an 800 number.
19 It's the one on our paper bill that we get.

20 COMMISSIONER COLEMAN: Thank you, Mr.
21 Davidson.

22 JUDGE SEYER: Thank you. Next on the list is
23 Sharon Fiala.

24 (Witness sworn.)

25 JUDGE SEYER: All right. Could you state and

1 spell your name please?

2 MS. FIALA: Sharon, S-h-a-r-o-n, Fiala,
3 F-i-a-l-a. I am a resident of Terre Du Lac.

4 JUDGE SEYER: And you kind of faded there,
5 it's F-i-a-l-a?

6 MS. FIALA: Correct.

7 JUDGE SEYER: Okay. Thank you. And you're at
8 Terre Du Lac. Go ahead.

9 MS. FIALA: I would hope that the board would
10 look at the history of Confluence, their business practices
11 and how they conduct themselves in these similar
12 situations. We did an informal calling to other
13 communities that have gone through this. Just at random.
14 I wish I had the names but I don't. Just asking how did
15 you like it and how did it work. They said well, they came
16 in and this was like three different sources, they said
17 that yeah, they came in. They did a lot of painting and
18 they did this and that but they didn't think they did major
19 stuff. Not only that, they thought the support was
20 lacking. They didn't get a lot of responses, no return
21 calls, and so forth. I can't substantiate that because I
22 don't have the names of them. We did some research and we
23 found that similar situation in other communities.
24 Basically they come in and they try and buy these stressed
25 environments. They do some work like they were saying

1 putting lipstick on a pig. They would do that and then
2 charge an exorbitant price. I don't know -- we did have, I
3 can't remember if there was an out of state one or not.
4 Anyway, support and the exorbitant amount is the same thing
5 that goes on with a lot of them. They do what's visual and
6 looks good but then they don't do a lot more maintenance
7 going forward. I do question the single pay because I had
8 asked the gentleman from Confluence approximately how many
9 homes are talking about in this combined single pay. He
10 said around 2,000. So let's just say 2,000 for that sake.
11 If you multiply that out over the course of the year just
12 on sewer, it's almost \$200 million. I mean that's a lot of
13 money. I realize they have other expenses and so forth but
14 that's really exorbitant for little communities like we
15 have right now. Why can't -- if we are going to have to
16 pay these prices, why can't it be done over a period of
17 time? I mean other companies do that. Not just that, why
18 can't they roll in the water into the sewer all in one
19 price and base the sewer into the water usage? That's
20 common practice. I don't understand why we can't just do
21 that. What else? I guess that's about it. Again, I
22 really hope you look at the company and their business
23 practices to see if it's warranted. Of those 2,000 by the
24 way of those 2,000 homes, TDL is 1,400 of that. So it
25 really is not fair to the smaller communities. Also we

1 would like to know if there is work that is going to be
2 done, especially if we are going to have to turn around and
3 pay for it, we should have had some kind of say in what
4 they were doing in some way, shape, or form and knowing
5 what they were doing. We have no other recourse. This is
6 a utility. We can't go some place else. We are really
7 stuck. You have a lot of scared people. The older people
8 in the community in our neighborhoods are so worried. They
9 are talking about they are going to have to move because
10 they can't afford this. They are living day to day at is.
11 So really, really look at their history and make sure that
12 it's really warranted. Nobody that I have talked to thinks
13 this is really warranted. We haven't seen a detail of what
14 they have actually changed. Thank you.

15 JUDGE SEYER: Are they were questions for Ms.
16 Fiala from the Commissioners? From the attorneys? No.
17 Thank you, Ms. Fiala. The third last name on the list is
18 Clay Whitener.

19 MR. WHITENER: Thank you for hearing all of
20 us.

21 (Witness sworn.)

22 JUDGE SEYER: Can you state and spell your
23 name for the record?

24 MR. WHITENER: Clay, C-l-a-y, Whitener,
25 W-h-i-t-e-n-e-r.

1 JUDGE SEYER: And where do you receive
2 service?

3 MR. WHITENER: I'm a resident from Terre Du
4 Lac and have been since 1973. I'm also the president of the
5 Homeowners Association.

6 JUDGE SEYER: Okay. Go ahead, Mr. Whitener.

7 MR. WHITENER: I don't have a lot of new
8 stuff. I just wanted to reiterate some of the things that
9 Mr. Miller had and Mr. Francis from Port Perry. It would
10 have been a whole lot for more easier for these communities
11 to take had Confluence been a little bit better at
12 communication. As you heard several times today maybe they
13 could work with the HOA to get things across to the
14 community better. Our public works department has a
15 horrible time getting in touch with Confluence. One of the
16 big things that everybody is having a hard, hard time
17 understanding, and Mr. Miller alluded to the first when we
18 were asking questions, if there would have been a
19 spreadsheet of cost versus revenue versus cost. This \$29
20 million as you have heard from like Little Deer Run and
21 Port Perry, it's hard to imagine how \$29 million could have
22 been spent thus far. Now we are wanting to -- the
23 improvements to be done in Terre Du Lac are still extensive
24 I'm sure. So that would have helped communication wise had
25 they been able to define, here is how much it cost to paint

1 that tower, \$100,000.00 or \$1 million or whatever it is.
2 What everybody is afraid of is the cost of acquiring these
3 developments is part of this \$29 million. They are also
4 concerned how much of this is administrative fees. How
5 much is industrial fees. There is just so many
6 uncertainties out there that people would really like to
7 know. We appreciate what they have done for our
8 development, Terre Du Lac, for the most part. There are a
9 lot of things when they have to come in and do road cuts,
10 our public works department has spent months trying to
11 figure out who in the world is going to pay for this. Is
12 it going to be us the homeowners, it has been. We are the
13 ones after they made a road cut within maybe 150 feet from
14 my house and it's still there waiting to find out who is
15 going to patch this road cut. That's on a new piece of
16 pavement that has just been put in. Another thing that
17 kind of alarms us I had to go to my community -- you just
18 heard from Jeff and Steve a while ago from our community
19 and the fire department, our pumper -- not pumpers but our
20 firetrucks that we have currently, we can't depend on the
21 fire hydrants to put out fires in our homes. So we now
22 consider we just ordered a brand new -- not a brand new, we
23 couldn't afford that -- a used pumper truck to make sure
24 that we can pump the water out of our lakes to put out
25 house fires. All the other local fire departments, they

1 have to do the same thing when they come to Terre Du Lac.
2 They have to assume that public water system will not
3 support their trucks. We are going to have to pump the
4 water out of the lakes to put the fires out. With all that
5 having been said, I too understand, you know, 2,000 could
6 help to defer cost to the 1,400 like we are. When you hear
7 these people talk about they sold their water company for
8 \$1.00 one and we sold ours for no telling how many millions
9 of dollars. We didn't. Terre Du Lac didn't. Just one
10 individual who didn't take care of us in the past. We
11 would just like for you guys to think about all of these
12 things that have been said today and make sure that when
13 you make a decision, you make it reasonable and just for
14 all of us. That's about really all I have got.

15 JUDGE SEYER: All right. Thank you, Chairman
16 Rupp.

17 CHAIRMAN RUPP: Thank you, sir. The issue
18 with the fire hydrants, is that because of work that
19 Confluence has done or was that issue preexisting
20 Confluence taking over?

21 MR. WHITENER: That's the mess that they
22 talked but before. They bought into a mess as everybody
23 person -- not every person but most of the people have
24 stood up here and explained to you before. They bought
25 into a mess. They knew it was a mess. We have had homes

1 burnt to the ground where our firetrucks tried to hook up
2 to the fire hydrants and nothing was there.

3 CHAIRMAN RUPP: That problem existed prior to
4 the --

5 MR. WHITENER: Correct.

6 JUDGE SEYER: Okay. Thank you. Commissioner
7 Coleman.

8 COMMISSIONER COLEMAN: Mr. Whitener, couple
9 will of things. Could you verify, I think I heard that
10 there are 1400 homes in the homeowners association area?

11 MR. WHITENER: Yes, ma'am.

12 COMMISSIONER COLEMAN: And can you give me a
13 ballpark figure of the total population of the community,
14 not of the homeowners association, but the town?

15 MR. WHITENER: The Terre Du Lac, the Terre Du
16 Lac community is 5,000-acres, probably 2,000 of it is
17 developed. Of that development there is about 1,400 is
18 kind of a rough guesstimate. Of that 1,400 homes, I will
19 bet you 15 to 20 percent of them are summer homes. I live
20 at the end of a lake and around me I probably have five or
21 six homes that are full time residents. The rest are
22 summer homes. So it's kind of hard to tell you how many
23 people live there day in and out.

24 COMMISSIONER COLEMAN: Relative to the issues
25 you have with repairs when it comes to roads, has there

1 been any conversation with Confluence about those repairs
2 after they have come in and made the road cuts and anything
3 else?

4 MR. WHITENER: We have tried numerous times.
5 I got one board member that has a friend of someone who
6 works on the board. He has been trying desperately for
7 probably five or six months to get some kind of definitive
8 answer that says we'll pay you to do this, we're paying
9 another vendor to do this. We don't know.

10 COMMISSIONER COLEMAN: Thank you, sir.

11 JUDGE SEYER: Are there any other questions
12 from the Commissioners? Mr. Clizer.

13 MR. CLIZER: You had mentioned public works
14 department having difficulty communicating with Confluence.

15 MR. WHITENER: It's getting better but at
16 first we couldn't get a hold of them at all. It's just if
17 you call and you get a recording and it's done.

18 MR. CLIZER: Are you contacting the 800 on
19 bills?

20 MR. WHITENER: No.

21 MR. CLIZER: No. How are contacting the
22 company then?

23 MR. WHITENER: I don't contact them. I have
24 public works contact them. I don't know how they do it.

25 MR. CLIZER: You have no idea how they do it.

1 And was the difficulty was that getting to a person or was
2 that you got to somebody and they couldn't help you?

3 MR. WHITENER: It's difficult getting to a
4 person. Communication that's the big issue.

5 MR. CLIZER: I understand. And you said it's
6 getting slightly better?

7 MR. WHITENER: Yes. Not a lot. We still
8 don't know who is going to fix those roads.

9 MR. CLIZER: Can you elaborate?

10 MR. WHITENER: They are actually getting to
11 talk to an individual but apparently it's not an individual
12 high enough to say we are going to take care of the roads
13 or he is going to take care of the roads.

14 MR. CLIZER: When did that change roughly?

15 MR. WHITENER: Maybe in the last 30 days at
16 the most.

17 MR. CLIZER: Thank you. That was all of my
18 questions.

19 JUDGE SEYER: All right. Any other questions
20 from the attorneys for the parties? All right,
21 Mr. Whitener. Thank you. All right. Next on the list is
22 Michael Barnes.

23 (Witness sworn.)

24 JUDGE SEYER: Can you go ahead and state and
25 spell your name for us?

1 MR. BARNES: Michael, M-i-c-h-a-e-l, Barnes,
2 B-a-r-n-e-s. I live, well we have a house, out on Lake
3 Perry or Port Perry depending on how you guys are going to
4 call it. Excuse me. First thing I would like to say is
5 that based upon the things that have been brought up in
6 this meeting, my wife and I have talked to her on the
7 phone, we are against multi tier pricing. The reason for
8 that is, Terre Du Lac, the gentleman who is in charge of
9 the fire department brought up how much it would cost to
10 bring in the lines to repair the water pressure for them to
11 have adequate fire hydrants and things. Also, the
12 gentleman who is standing right back there in the question
13 and answer portion brought up the fact that there is a
14 certain percentage and he is not quite sure how many or
15 what it's going to cost for that community to be brought up
16 to standards when it comes to their grinders, their
17 culverts, and their lines on their private property.
18 Confluence Rivers has some kind of, I guess plan on how to
19 do that. If you start looking at -- and the reason I bring
20 this up is, we built a house. When you look at culvert, a
21 grinder, and lines, it's not a small amount of money. So
22 all of a sudden we are getting into a large amount of money
23 that community is going to have to -- that Confluence is
24 going to have to repair. My community has no problems with
25 its water or at least what was testified to. We have a

1 small amount of problems and we would have to supplement
2 the other communities and that would be a big burden to us.
3 During the question and answer period, the gentleman
4 standing right back there again stated that our rates
5 currently are lower than the national average. That's all
6 well and good but we live in rural America. I don't live
7 in Washington DC. I don't live in New York City. I don't
8 live in L.A. and I don't live in Chicago. So trying to say
9 my rates are lower, yes, they are lower because my cost of
10 living is lower. So therefore Confluence River to repair
11 things in our area is going to be lower than those areas so
12 our bill should be lower. We also own a house in Cape
13 Girardeau. If we raise -- Confluence River is allowed to
14 raise the sewer to \$82.96 on our house at Lake Perry, in
15 the one tier pricing model that's \$47.80 higher than my
16 sewer bill in Cape Girardeau. My sewer bill in Cape
17 Girardaeu is \$37.09. I'm looking at it on the bill. So
18 you want to raise it to \$89.00. That's kind of strange to
19 me. You could come back and say, you're comparing apples
20 and oranges. You're absolutely right. Cape Girardeau,
21 it's a little bit bigger. It has 17,000 customers
22 according to the City website that currently use water and
23 sewer there. If we wanted to compare apples and apples
24 with Confluence River, which has about 4,000. I believe it
25 was stated 4,000 customers in the state. The City of

1 Perryville has 3,624 customers according to their website.
2 So it's roughly about the same size, their water bill and
3 service. For you to have to go in and open a water -- to
4 get a water bill with them with no usage of water, and I
5 called this morning, it's \$12.64 for sewer. That's a
6 difference of \$70.32. So things are not right here on
7 what's being asked for by Confluence Rivers. Then when you
8 add in the one-tier pricing model, that really gets kind of
9 a little bit iffy for us out of Lake Perry. Rich DeWilde
10 who spoke earlier showed me a document. It's file NO
11 WA-2019-0299. I believe it was testimony that was given
12 before the Commission that was effective September 25,
13 2020. confluence River stated in that that the water
14 portion of Lake Perry, you know, the problems that were out
15 at Lake Perry for the water portion, they had first
16 estimated that it was \$693,000.00 or roughly that. Then
17 they readjusted it to \$229,000.00. Well, when you divide
18 that by 600 people in our community, that's \$381.61 worth
19 of repairs. In a year that works out that if we all pay
20 that, \$31.80. I can pay back what they feel is the problem
21 with the water portion out there in a year. We can all do
22 that. I think we would all be happy paying for one year
23 and additional \$31.80 if we didn't have to incur any other
24 expenses after that. That's my testimony.

25 JUDGE SEYER: All right. Are there any

1 questions from the Commissioners? All right. Any from the
2 attorneys for the parties? All right. Hearing none.

3 Mr. Barnes, thank you. Last on the list is Kathy Swan.

4 (Witness sworn.)

5 JUDGE SEYER: Could you go ahead and state and
6 spell your name for the record?

7 MS. SWAN: Yes. Kathryn Swan, K-a-t-h-r-y-n,
8 Swan, S-w-a-n.

9 JUDGE SEYER: Are you a Confluence customer?

10 MS. SWAN: Yes, at Lake Perry.

11 JUDGE SEYER: Go ahead.

12 MS. SWAN: Thank you, Judge, Chairman Rupp,
13 Commissioners Coleman, Holtzman, and Hahn. I have been
14 fortunate my husband and I have a main residence in Cape
15 Girardeau. In 2019 we were able to purchase a property at
16 Lake Perry. My concern in addressing you today is not only
17 for the rate increase but the quality and the safety of the
18 water that is provided. We purchased in the fall of 2019
19 and began an extensive remodeling project early 2020. When
20 it came time to turn the water back on, the water heater
21 was not working and a considerable amount of rust had to be
22 removed from the faucet. At that time, we assumed it
23 simply due to an old water heater or perhaps even the
24 previous company who was supplying the water. But since
25 then, we have had to replace two water heaters all because

1 of corrosions or sediment in the bottom of the water
2 heater. We also were fortunate to have several copper
3 sinks that we had salvaged from our previous home that were
4 about 15 years old along with two new ones. We had those
5 utilized at the home at Lake Perry. We began noticing
6 corrosion in our sinks and a palpable pitting of the finish
7 in the sink itself. Someone suggested we purchase a water
8 softener system that might resolve the issue. That did
9 seem to do so. However it didn't seem to have any impact
10 on the water heaters because after that, the bottom of one
11 of the water heaters, which happened to be relatively new
12 rusted out completely and flooded the basement, which was
13 also finished that time. Currently within the past three
14 months, the flush mechanism on the three different toilets
15 on our home due to the chain and the internal mechanism of
16 the tank and tank itself. In addition to that and the cost
17 of that, we live relatively close to the well itself, which
18 is located some distance behind our home. At some point
19 obviously it was determined by the company that a repair or
20 the installation of a new line would be necessary and they
21 would cross our property to do so. In the process, we
22 assumed the property would be left in the same condition in
23 which it was found before the installation. It was not
24 because there were ruts and mud and so therefore we had to
25 have gravel hauled into repair the gravel driveway. Then a

1 leak developed in that line. That proceeded for a few
2 weeks without being found and we're not there full time
3 obviously. That caused additional erosion on the driveway
4 itself in which we had to bring in more gravel for the
5 driveway. So due to having incurred significant financial
6 cost already, a rate increase of this size simply will
7 cause insult to injury. So I thank you for your time.
8 Thank you for the opportunity to testify today. I know
9 it's been a long day.

10 JUDGE SEYER: All right. Thank you, Ms. Swan.
11 Are there any questions from the commissioners?
12 Commissioner Coleman.

13 COMMISSIONER COLEMAN: How are you?

14 MS. SWAN: I'm well, and you?

15 COMMISSIONER COLEMAN: Good. Good to see. So
16 a question I asked just a moment ago regarding repairs to
17 roadways, driveways and whether there has been work done.
18 Have you reached out to Confluence about the disrepair left
19 on your property when they completed work?

20 MS. SWAN: No, we did not.

21 COMMISSIONER COLEMAN: Okay.

22 MS. SWAN: It's just something that you assume
23 that there will be another visit by a company and they will
24 return it to the original condition, but no we did not.

25 COMMISSIONER COLEMAN: Thank you, I appreciate

1 it.

2 JUDGE SEYER: All right. Are there any other
3 questions from the Commissioners? All right. Mr. Clizer
4 with the Public Counsel Office has a question.

5 MR. CLIZER: A series of quick questions
6 regarding the incident where the repair was made across
7 your property?

8 MS. SWAN: Yes.

9 MR. CLIZER: So the repair or the new line was
10 made across your personal property, correct?

11 MS. SWAN: That's correct.

12 MR. CLIZER: And did Confluence reach out to
13 you before that repair was made and execute any kind of
14 agreement with you regarding a right of way or purchase of
15 the land?

16 MS. SWAN: They may have reached out or it may
17 have been to my husband. I have not asked him that
18 question recently. I know there was no type of agreement
19 or written agreement.

20 MR. CLIZER: Are you aware of any condemnation
21 process regarding the land?

22 MS. SWAN: I'm not aware that they did.

23 MR. CLIZER: And you're not aware of any
24 changes in deed or any kind of record of land right
25 regarding that knew line usage?

1 MS. SWAN: No, I'm not.

2 MR. CLIZER: Thank you, Mrs. Swan.

3 MR. WOODSMALL: Your Honor, one question to
4 follow up on that. Do you know if the work was done in a
5 prerecorded easement?

6 MS. SWAN: No, I don't know that either. I'm
7 sorry.

8 MR. WOODSMALL: Okay. Thank you.

9 JUDGE SEYER: All right. And that was
10 Mr. Woodsmall for the sake of the record. There are no
11 additional names on the list but is there anyone here who
12 did not put their name on the list but would like to
13 testify? Yes, sir. All right want and you have your right
14 hand raised.

15 (Witness sworn.)

16 JUDGE SEYER: Can you state and spell your
17 name for the record?

18 MR. PAPLANUS: Nicholas Paplanus,
19 N-i-c-h-o-l-a-s, P-a-p-l-a-n-u-s.

20 JUDGE SEYER: P-a-t?

21 MR. PAPLANUS: P-a-p.

22 JUDGE SEYER: Sorry.

23 MR. PAPLANUS: Peter, apple, peter.

24 JUDGE SEYER: P-a-p-p?

25 MR. PAPLANUS: Peter, apple, peter, Larry,

1 alpha, Nancy, United States. I'm sucking on my NATO today.

2 JUDGE SEYER: Got you. Thank you. Where is
3 it that you have service?

4 MR. PAPLANUS: Lake Perry, Port Perry
5 depending on what timeframe.

6 JUDGE SEYER: All right. Go ahead.

7 MR. PAPLANUS: Mine is mainly just an appeal
8 to the initial conversation that we had a couple years
9 back. So a gentleman earlier referenced Case No
10 WA20190299, I would highly recommend reviewing that in its
11 entirety, along with the testimony that is happening today.
12 A lot of the fears -- I'm going to sit if that's okay. Do
13 you guys care? sorry about that. So a lot of the community
14 express fear early on for everything we are testifying
15 about today. I say the loss of control of decision making
16 that impacts the community. The inability to be able to
17 kind of right size for our community. So some of the
18 discussions we had today was on leveraging of broader
19 community. That sounds like a terrible idea when your
20 company's plan is to pick distressed communities. Like in
21 insurance, my cost is lower because the assumption is most
22 of the time I won't need it. For me it would be a great
23 deal if I have to use it all the time but in our community
24 when you right size 83 different communities, we are
25 obviously going to hit a higher number. So the issue that

1 we had initially was we came and we said we feel that this
2 is going to be detraction, a hardship for our community.
3 We would request that you block this. We stand up a
4 business plan. Our rates that are in the business plan are
5 lower than their, I say low in rates. That is lower than
6 they are able to provide. We already have an HOA. Our HOA
7 is able to forecast needs, get competitive rates we are
8 already collecting for our community and be able to make
9 those decision independently and not be provided to it.
10 That was denied. Specifically what we were afraid of was
11 on the back end of us not being able to have that autonomy,
12 this company would come in, a large rate increases would
13 come through, be unsustainable and we would be powerless to
14 stop it. In that previous case, this got brought up.
15 Overwhelmingly our community came together and opposed and
16 I say them acquiring our community. We were ignored, so to
17 speak. I say at this point everything we said has now
18 become factual. Everything is happening. Right now they
19 are talking about large scale increases. At no point do we
20 have open disclosure. Here is all the items that are going
21 to be changed, here is why it's a requirement for your
22 community. Here is a comparison of multiple different
23 pricing from multiple communities, could this be
24 outsourced. When we do an HOA decision, for instance we
25 have multiple parodies that look at the activity and say,

1 we will can compete amongst these and find what makes the
2 most sense to what we need. We have no input to that. No
3 control over that. I think another thing that was
4 discussed today and I think it's important to analyze, a
5 couple of times what's the average cost of the home. So I
6 will tell you if you ask me that question 15 years ago on
7 the house, I would say \$120,000. If you asked me five
8 years ago I'd say \$300,000. If you asked me last year, I'm
9 going to say probably close to 500. If you asked me a few
10 more years now with the market where it is, it's not a fair
11 comparison because most of the people in my community have
12 lived there for decades. Their money is fixed. That's a
13 more fair comparison rather than where they are at because
14 it does not equate to what they can afford to pay. When
15 you have exorbitant increase on that on a fixed income, you
16 are forcing a very difficult decision. So one of the lady
17 that talked earlier, she was talking about being a seasonal
18 person. So seasonal if the base rate is \$100. So what we
19 pay for our HOA right now is either \$750 or \$850, I can't
20 remember exactly. So at an \$80 rate increase, that's \$960
21 increase. If there is a \$50 disconnect, a \$50
22 re-connect, if you start doing the math all of a sudden
23 \$750 to have temporary usage in place is now ballooning
24 well cross the path of us to care for our lake and
25 everything else. The numbers don't match up. The vast

1 majority of our community, some of us are lucky enough we
2 say I can forgo this. Other people could potentially lose
3 their home. Another thing that will happen is people that
4 are seasonal, they will go to other communities away from
5 here. Away from this increase because this increase is not
6 the same everywhere else. It is significantly higher here
7 than everywhere else, which means they abandon us. When
8 they abandon us, it doesn't just remove them from the
9 support structure. That removes the money from HOA that
10 pays to fund our actual community. It guts our community
11 to do this. At this point, it's moved pass. We don't have
12 an alternative at this point. All we have is the hope that
13 a third party, this commission, or a different group or
14 commission will look at this and say this is unattainable.
15 The purpose of this, I can't go to a different water
16 company. If I don't want to go to Wal-Mart, if I don't
17 want to eat MacDonalds, I have an option. I have somewhere
18 I can go. I can make decisions based on that. As a
19 utility, we don't. We have no alternative. My going on
20 testimony is just trying to please look back to the
21 original cases and filings. Look at what we were concerned
22 for. We laid out exactly what it would do to our
23 community. We are on the face of it now. I say I have got
24 more than one residence and anybody that I have talked to
25 when we were discussing this, I have heard nobody that was

1 even close to this precedent on this prize. I get the
2 nature of it. What I don't get is if I have \$2 million in
3 repair, why do I not as a community have the right to say,
4 I will only take my \$2 million. I will figure out a loan
5 rate and amortization rate and I will work with you and I
6 will figure out a way to make it feasible. But I won't do
7 it based on an e-mail that says by the way, in the next two
8 months, your rates are going to move up at a rate that is
9 it astronomical especially to a community that has no way
10 to escape. Especially in a situation where the only way
11 out of this public utility is to sell your home and it's to
12 sell your home in a market which has a very ballooning rate
13 currently at this moment. So even there, you are pushing
14 them into a very difficult situation. I would ask to look
15 back at the original writings and try to bring some reason
16 into this. If nothing else, break down the pieces where it
17 states they are going to share our cost. If nothing else,
18 show us what the cost are. Show us what the analysis they
19 have done and the different companies they have used to
20 derive those numbers. Don't just give us the numbers and
21 basically expect the rest of the community to surpass the
22 issue. That's what I got.

23 JUDGE SEYER: All right. Thank you. Do the
24 Commissioners have any question? How about the attorneys
25 for the parties? They are indicating no. Thank you, sir.

1 All right. Would the Commissioners like to make closing
2 remarks? I'm sorry Mr. Clizer?

3 MR. CLIZER: Are there others that would like
4 to testify?

5 JUDGE SEYER: All right. Any closing remarks
6 by the other Commissioners? I'm sorry, go ahead. Sorry.
7 Okay. I'm sorry, I thought you wanted to make some
8 remarks.

9 COMMISSIONER HOLSMAN: Judge, I did but I'm
10 having a hard time with star 6 today. I don't know why
11 it's making us do that. I just wanted to thank everybody
12 for coming out. It was a very good discussion. We heard a
13 lot of feedback that we will take into consideration when
14 making this decision. Just want to say thank you for
15 taking the time and thank you, Judge, for running of this
16 meeting.

17 COMMISSIONER HAHN: In following Commissioner
18 Holsman, I am also thankful for the testimony today. It's
19 very insightful and helpful and I appreciate everyone
20 coming out and spending their afternoon informing us, so
21 thank you.

22 JUDGE SEYER: Thank you Commissioner Hahn. I
23 would like to thank all of the participants for coming out
24 today and testifying today. So if there is nothing
25 further, Mr. Clizer.

1 MR. CLIZER: Sorry, one really quick bit of
2 business, I anticipate the experts may wish to use portions
3 of the testimony given today. I would ask the Commission
4 query whether it's possible to expedite this testimony
5 before the due date, which is currently June 29. Or in the
6 alternative whether or not we can expedite the posting of
7 the recording -- sorry the recording so that experts can
8 rely on it before that due date. Does that make sense?

9 JUDGE SEYER: It does makes sense. So you
10 would like the transcript before June 29?

11 MR. CLIZER: Or if the recording can posted
12 before the due date.

13 MR. IRVING: This is Ron Irving, staff does
14 not have any objection to that.

15 JUDGE SEYER: If there is nothing further, I'm
16 going to adjourn and we'll go off the record.

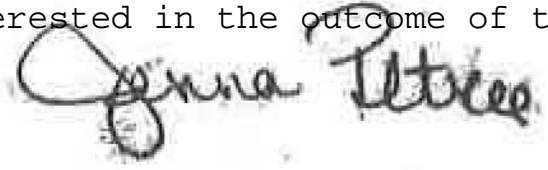
17 (Hearing concluded at 4:21 p.m.)
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CERTIFICATE OF REPORTER

STATE OF MISSOURI)
) ss.
COUNTY OF COLE)

I, Jenna Petree, do hereby certify that the witness whose testimony appears in the foregoing deposition 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.



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