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1 P R O C E E D I N G S

2 JUDGE WOODRUFF: Well, let's go ahead and get
3 started, then. Good morning, everyone. Welcome to the
4 prehearing conference today.

5 This is Case No. WC-2006-0303, which is the
6 Staff the Commission versus Hurricane Deck Holding
7 Company, Chelsea Rose Land Owners Association, Greg
8 Williams, Debra Williams and Charles H. Williams.

9 We'll begin today by taking entries of
10 appearance and -- beginning with Staff.

11 MR. FRANSON: Robert Franson, appearing on
12 behalf of the Staff of the Missouri Public Service
13 Commission, P.O. Box 360, Jefferson City, Missouri, 65102.

14 JUDGE WOODRUFF: Thank you. And for Hurricane
15 Deck and the other defendants?

16 MR. WILLIAMS: Gregory Williams and Andrew
17 Renken, P.O. Box 431, Sunrise Beach, Missouri, 65079.

18 JUDGE WOODRUFF: And I don't see anyone here for
19 Office of Public Counsel.

20 The first thing I want to take up is there was a
21 pending motion to strike that was filed by Staff
22 concerning whether Requests for Admissions should have
23 been properly filed in the case file rather than simply
24 served on the -- on the -- on the Staff.

25 Mr. Williams, do you have any response to that

1 motion?

2 MR. WILLIAMS: If you don't want to file them,
3 don't file them. It makes absolutely no difference to --
4 to us. I think they've been served and should be
5 responded to, so --

6 JUDGE WOODRUFF: My understanding of the motion
7 was that you would -- you're not actually objecting to
8 them.

9 MR. FRANSON: We have plenty of objections to
10 the various Requests for Admissions, but that's for the
11 response, Judge. They should not only have -- they
12 shouldn't be in EFIS, and they should not have been
13 submitted to the Commission in the first place.

14 All that should be under there under Rule 59,
15 whatever it is, is the Certificate of Service. What I'm
16 hoping is we aren't going to see things like this where we
17 see more discovery that really shouldn't be in the record.
18 So --

19 JUDGE WOODRUFF: Okay.

20 MR. FRANSON: But I would ask that that be
21 removed from EFIS with my motion in whatever order you
22 issue.

23 JUDGE WOODRUFF: Okay. I'll go ahead and grant
24 the motion, then. I'll follow it up with a written order
25 to the Data Center to -- to remove that -- that filing.

1 Okay. Well, let's --

2 MR. WILLIAMS: Judge, on an administrative
3 matter, I note that the Data Center is still mailing to
4 parties as opposed to counsel for the Respondents, and I
5 would ask that that be corrected, also.

6 JUDGE WOODRUFF: So that all filings are sent to
7 you?

8 MR. WILLIAMS: Uh-huh. We've got a lot of
9 copies that no one needs to be sending.

10 JUDGE WOODRUFF: Well, we can save some postage,
11 then, too.

12 All right. Well, the real reason for bringing
13 you all here today was to -- to give you a chance to
14 discuss how we want to proceed in this case as far as a
15 procedural schedule. I'm going to ask that you all
16 prepare a Post Procedural Schedule and get it -- file it
17 with the Commission by one week from today, the 24th.

18 Mostly, I'm just going to let you discuss this
19 amongst yourselves once we get off the record. But I do
20 have a couple questions.

21 First of all, is there a need for an expedited
22 consideration of this Complaint, or can it just go through
23 normal -- normal time frames?

24 MR. WILLIAMS: I'm not aware of any need for
25 expedited consideration, Judge. And it will make a

1 material difference, obviously, on how we proceed with
2 discovery as to whether testimony's going to be prefiled
3 or presented live on the record.

4 JUDGE WOODRUFF: Sure.

5 MR. WILLIAMS: If it's going to be live on the
6 record, we'll need to do depositions, which is going to
7 set your time frame out a little bit so that we have some
8 idea what the anticipated testimony would be.

9 JUDGE WOODRUFF: Mr. Franson, are you aware of
10 any need to expedite this?

11 MR. FRANSON: No, Judge. I would say that
12 whether it's prefiled testimony or whether it's live,
13 which would be a little unusual, certainly, though, not
14 unheard of, there still will be a need for depositions in
15 this case. I don't think that will make any difference,
16 at least from Staff's standpoint.

17 JUDGE WOODRUFF: Okay. And in general, I think
18 the Commission prefers prefiled testimony, unless there's
19 a reason not to.

20 I was also wondering is this dispute likely to
21 be resolved anywhere in Circuit Court? Is there any
22 proceedings going on?

23 MR. WILLIAMS: There is, your Honor. The
24 Circuit Court proceeding has been set for trial on July
25 10th.

1 JUDGE WOODRUFF: Okay. And that is action by
2 the receiver of Osage Water, is that --

3 MR. WILLIAMS: That's correct. And the Public
4 Service Commission itself has joined as a party in that
5 proceeding.

6 JUDGE WOODRUFF: Okay.

7 MR. WILLIAMS: It's set for July 10th.
8 And it's basically to determine title to the water and
9 sewer systems that are the issue of the Complaint.

10 JUDGE WOODRUFF: It's July 15th?

11 MR. WILLIAMS: July 10th.

12 MR. FRANSON: Judge, just so there's no
13 misunderstanding, I believe that certainly would have an
14 impact on this case, but it would in no way determine this
15 case definitively.

16 JUDGE WOODRUFF: Okay. All right. Well, that's
17 all the questions I had.

18 Is there anything else anyone wants to bring up
19 while we're still on the record?

20 MR. FRANSON: Judge, this case is a little bit
21 unusual in that we do have another proceeding that may
22 have some impact on it.

23 Would it be possible for you to consider
24 something besides a formal procedural schedule, for
25 instance, around July 10th having all discovery done and

1 entertaining a procedural schedule at that point? If we
2 were to propose that, would that be a possibility?

3 JUDGE WOODRUFF: Oh, certainly.

4 MR. FRANSON: Okay. Thank you.

5 JUDGE WOODRUFF: Around July 10th, then, at that
6 point, the parties would pick a hearing date if it's
7 necessary?

8 MR. FRANSON: Right. And we would presumably be
9 able to file prefiled testimony and be able to move along
10 rather quickly. That's just an idea. I haven't talked to
11 Mr. Williams about it.

12 MR. WILLIAMS: I think that's an excellent idea,
13 to try to resolve of the Circuit Court issues first,
14 Judge, and see what, if anything, is left in this
15 proceeding.

16 MR. FRANSON: Judge, that isn't exactly my
17 suggestion. My suggestion is that they go hand in hand
18 and that by July 10th we would have discovery done in this
19 case. And at that point, we would be ready to tell you
20 we're ready to file on these dates and things. But, no,
21 it is not this one waits on the other. That is not my
22 suggestion at all.

23 JUDGE WOODRUFF: All right. Well, I'm -- I'm
24 flexible and willing to listen to whatever you want to
25 propose. So I'll wait to hear from that.

1 Unless there's something else that you want to
2 bring up while we're on the record, then, at this point,
3 we'll be adjourned. Mr. Franson, go ahead.

4 MR. FRANSON: Judge, just are you going to be
5 available and is there a calendar available if we did
6 actually talk about procedural schedules? By calendar, I
7 meant the hearing dates that the Commission has already
8 set.

9 JUDGE WOODRUFF: The board upstairs is accurate.

10 MR. FRANSON: And you'll be available?

11 JUDGE WOODRUFF: And I will be here all day.

12 MR. FRANSON: Okay. Thank you.

13 JUDGE WOODRUFF: Okay. Thank you. With that,
14 then, we are adjourned. Or at least the on-the-record
15 portion is adjourned. I'll leave you to your discussions.

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