

1 STATE OF MISSOURI  
2 PUBLIC SERVICE COMMISSION  
3  
4 THE STAFF OF THE MISSOURI PUBIC SERVICE COMMISSION  
5  
6 VS.  
7  
8 CONSOLIDATED PUBLIC WATER SUPPLY DISTRICT  
9 C-1 OF JEFFERSON COUNTY, MISSOURI,  
10 AND CITY OF PEVELY, MISSOURI  
11  
12 File No. WC-2014-0018  
13  
14  
15 TRANSCRIPT OF PROCEEDINGS  
16 Pre-Hearing Conference  
17 March 5, 2014  
18 Jefferson City, Missouri  
19 Volume 2  
20  
21  
22  
23  
24 (Start time of conference: 2:02 p.m.)  
25

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2 PUBLIC SERVICE COMMISSION  
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10 Volume 2

11  
12 The Staff Of The Missouri )  
13 Public Service Commission, )  
14 )  
15 Complainant, )  
16 )  
17 V. ) File No. WC-2014-0018  
18 Consolidated Public Water )  
19 Supply District C-1 Of )  
20 Jefferson County, Missouri, )  
21 And City Of Pevely, )  
22 Missouri, )  
23 Respondents. )  
24 KIM S. BURTON, Presiding,  
25 REGULATORY LAW JUDGE.

1 REPORTED BY:

PAMELA S. GENTRY, CCR

2 MISSOURI CCR NO. 426

MIDWEST LITIGATION SERVICES

3 3432 West Truman Boulevard, Suite 207

Jefferson City, MO 65109

4 APPEARANCES:

BIANCA L. EDEN, Attorney at Law (VIA TELEPHONE)

5 Wegmann, Stewart, Tesreau, Sherman, Eden,  
Mikale & Bishop, P.C.

6 455 Maple Street

P.O. Box 740

7 Hillsboro, MO 63050

(636) 364-4202

8 beden@wegmannlaw.com

9 FOR: Consolidated Public Water Supply

District C-1 of Jefferson County, Missouri

10 TERRANCE J. GOOD, Attorney at Law (VIA TELEPHONE)

Lashley & Baer, P.C.

11 414 Locust Street

St. Louis, MO 63101

12 (314) 621-2939

tjgood@lashlybaer.com

13

FOR: City of Pevely, Missouri

14

15 KEVIN A. THOMPSON, Chief Staff Counsel

16 AMY MOORE, Deputy Counsel/Water Sewer

17 ALEXANDER ANTAL, Legal Counsel

18 Missouri Public Service Commission

19 P.O. Box 360

20 200 Madison Street

21 Jefferson City, MO 65102

22 (573) 751-3234

23 FOR: Staff of the Missouri Public

24 Service Commission.

25

1 (Start time of conference: 2:02 p.m.)

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

3 JUDGE BURTON: We have before us the  
4 File No. WC-2014-0018, The Staff Of Missouri Public  
5 Service Commission, Complainant, versus  
6 Consolidated Public Water Supply District C-1 of  
7 Jefferson County, Missouri, And The City Of Pevely,  
8 Missouri.

9 At this time, I would ask all parties  
10 to enter their appearance, and I realize we have  
11 the Respondents appearing telephonically, so I'll  
12 go ahead and start with the Staff.

13 MS. MOORE: Thank you, Judge.  
14 Appearing on behalf of the Staff is Amy Moore, Alex  
15 Antal, and Kevin Thompson, P.O. Box 360, Jefferson  
16 City, Missouri, 65102.

17 JUDGE BURTON: Okay. Thank you. And  
18 on behalf of the City of Pevely.

19 MR. GOOD: This is Terry Good on  
20 behalf of the City of Pevely. And I had a lot of  
21 trouble hearing the attorneys for the Commission.

22 JUDGE BURTON: Okay. I'm going to ask  
23 Ms. Moore to move over so she can hear you a little  
24 bit better.

25 Ms. Moore, can you just say something

1 and let's see if Mr. Good can hear you.

2 MS. MOORE: Can you hear me okay?

3 MR. GOOD: That's much much better.

4 JUDGE BURTON: Okay. Great.

5 MR. GOOD: Thanks.

6 JUDGE BURTON: And on behalf of  
7 Consolidated Public Water Supply?

8 MS. EDEN: Judge, this is Bianca Eden,  
9 and I would agree with Mr. Good. I couldn't hear  
10 Amy Moore, either; but when she moved forward, that  
11 was much better.

12 JUDGE BURTON: Okay. And I believe  
13 that your address should be on record with the  
14 Court Reporter, and it should already be on file.

15 Now, the reason I called this  
16 Pre-Hearing matter is because I believe we had one  
17 back in January and, at that time, there was a Writ  
18 of Prohibition that was pending with the Appellate  
19 Court. Is that correct?

20 MS. EDEN: Correct.

21 JUDGE BURTON: And the last I received  
22 a status update from the Staff was that that issue  
23 had been resolved and that this matter was now  
24 appropriate to hear before the Commission. Is that  
25 correct?

1 MS. EDEN: I would agree that it was  
2 -- that the writ was denied by the Court of  
3 Appeals, yes.

4 JUDGE BURTON: Okay. And did the  
5 parties appeal to the Supreme Court of Missouri?

6 MS. EDEN: No.

7 JUDGE BURTON: Okay. What I would  
8 like to do then is try to get this matter on a  
9 schedule. And I pulled up in front of me and I  
10 have in front of me in paper form a copy of the  
11 schedule for the next couple of months. And I want  
12 to ask the parties, is this an issue where all of  
13 the facts are essentially settled? That there's no  
14 factual dispute?

15 MR. GOOD: This is Terry Good, and no.  
16 We filed some affirmative defenses, and I'm going  
17 to need some discovery on those affirmative  
18 defenses.

19 JUDGE BURTON: Okay. Then why don't  
20 we go ahead and set a schedule. Normally, I would  
21 just go ahead and have the parties do this on their  
22 own, but I would just ask if you could communicate  
23 and let's go ahead and try to resolve this while  
24 I'm here. Let's get this scheduled as far as a  
25 date. Will that work?

1 MS. MOORE: Yes.

2 MR. GOOD: The date of the hearing,  
3 your Honor?

4 JUDGE BURTON: Yes.

5 MR. GOOD: Okay. Well, I'm going to  
6 send some written discovery requests for production  
7 of documents and some interrogatories. It's not  
8 going to be elaborate.

9 JUDGE BURTON: Okay. When did you  
10 expect to have that?

11 MR. GOOD: I can do that in the next  
12 10 days, your Honor; and, then, following getting  
13 the documents and the responses, assuming there's  
14 no argument about those, then I am going to want to  
15 take at least one deposition. And, so -- and,  
16 again, that's going to depend on the availability  
17 of the witnesses and, again, depending on whether  
18 there is any disagreement or argument about the  
19 deposition that I would like to take.

20 JUDGE BURTON: Okay. Let me ask the  
21 parties this: Do they think it's possible that we  
22 could get this matter set for hearing in May?

23 MR. GOOD: No, your Honor, I don't  
24 believe so. That's only going to, basically, give  
25 us two-and-a-half months. I think four months is

1 more realistic, and that's probably pushing it.

2 JUDGE BURTON: Staff, do you have any  
3 response to that?

4 MR. THOMPSON: We're ready to try it  
5 any time they're ready.

6 JUDGE BURTON: Okay. This matter has  
7 been going on for a while, and I don't understand a  
8 little bit of the reasons for the delay after the  
9 January decision by the Appellate Court for waiting  
10 for the discovery issuance. So, the most I'm  
11 willing to set this out, I think June still gives  
12 the party sufficient time to conduct sufficient  
13 discovery. And you can go ahead and schedule the  
14 depositions after we go off the record in this  
15 matter.

16 If it's a party -- or a witness,  
17 excuse me -- that's a party from the Staff, then  
18 maybe they can go ahead and see if that person's  
19 available. I don't know. Mr. Good, you can talk  
20 to the other Counsels about that after we go off  
21 the record.

22 So, let's take a look at June. Do you  
23 have conflict dates that far? Do you have your  
24 calendars in front of you, Counsels?

25 MR. GOOD: I do, your Honor. The



1 16th, 17th, and 18th, I have a conflict.

2 JUDGE BURTON: Okay.

3 MS. EDEN: And I would have a conflict  
4 the last week of June.

5 JUDGE BURTON: The last full week?

6 MS. EDEN: Yes. I've got a vacation  
7 planned. Sorry.

8 JUDGE BURTON: Okay. All right. And  
9 Staff?

10 MR. THOMPSON: Well, I have a conflict  
11 the same week that Mr. Good does; but, other than  
12 that, as far as I know, I'm available.

13 JUDGE BURTON: Okay. Then, what about  
14 the 12th or the 11th? Is that date amenable to  
15 everyone?

16 MR. GOOD: Well, other than the fact  
17 that I think I need more time and would prefer  
18 early July. I mean, those dates are open for me if  
19 the Court's not disposed to go into July, that's  
20 fine.

21 JUDGE BURTON: I also know that the  
22 Commission has hearings scheduled for the first few  
23 weeks of July, and I don't want to push this back  
24 to August. So --

25 MS. EDEN: I could do the 11th but not

1 the 12th.

2 JUDGE BURTON: Okay. And Mr. Good?

3 MR. GOOD: The 11th works for me.

4 JUDGE BURTON: All right. And Staff?

5 MR. THOMPSON: Works for me. Thank  
6 you.

7 JUDGE BURTON: Okay. And do we have  
8 any reason to believe that we cannot have this  
9 resolved with one day of hearings?

10 MR. GOOD: I don't believe so, your  
11 Honor. That should do it.

12 JUDGE BURTON: Okay. And Ms. Eden?

13 MS. EDEN: That sounds fine.

14 JUDGE BURTON: Okay. And Ms. Moore?

15 MS. MOORE: Yes, that's fine.

16 JUDGE BURTON: Okay. Then I'm going  
17 to go ahead and schedule this for the 11th, and  
18 I'll be sending out a notice to confirm this.

19 Would a 10:00 time -- start time be  
20 sufficient?

21 MS. MOORE: That would be fine for  
22 Staff.

23 MR. GOOD: That would be fine, your  
24 Honor. That means we could -- or I could drive  
25 down that morning rather than spending the evening

1 in Jefferson City, which is always a thrill but  
2 I'll pass on that.

3 MS. EDEN: Yes.

4 JUDGE BURTON: Not to impugn the  
5 wonderful city of Jefferson City, I'm sure.

6 MR. THOMPSON: I'm just shocked.

7 JUDGE BURTON: Is 10:00 sufficient or  
8 would starting a little later give you a little  
9 more leeway with traffic?

10 MR. GOOD: 10:30, your Honor.

11 JUDGE BURTON: Okay. Then I'm just  
12 going to go ahead and schedule it, then, for 10:30  
13 on June the 11th to go until all evidence has been  
14 submitted. Okay?

15 MR. GOOD: All right.

16 JUDGE BURTON: All right.

17 Well, thank you, everyone. Are there  
18 any other issues that we need to resolve today  
19 while we're on the record?

20 MS. MOORE: Nothing from Staff.

21 JUDGE BURTON: Okay. And from the  
22 Respondents?

23 MR. GOOD: None, your Honor.

24 MS. EDEN: None.

25 JUDGE BURTON: Okay. In that case,

1 I'm going to go ahead and, off the record as I  
2 stated, I'll sending out a notice memorializing the  
3 date for this hearing. And once we go off the  
4 record, I'll still keep the phone lines open if you  
5 need to discuss the discovery issues. That will be  
6 fine.

7 Thank you, everyone, for  
8 participating, and I hope you have a very good rest  
9 of your week. And we are now going off the record.

10 (Whereupon, the record ended at 1:10  
11 p.m.)

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1 C E R T I F I C A T E

2 STATE OF MISSOURI )

3 ) ss.

4 COUNTY OF COLE )

5 I, Pamela S. Gentry, Certified Court

6 Reporter with the firm of Midwest Litigation

7 Services, do hereby certify that I was personally

8 present at the proceedings had in the above-

9 entitled cause at the time and place set forth in

10 the caption sheet thereof; that I then and there

11 took down in Stenotype the proceedings had; and

12 that the foregoing is a full, true and correct

13 transcript of such Stenotype notes so made at such

14 time and place.

15 Given at my office in the City of

16 Jefferson, County of Cole, State of Missouri.

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PAMELA S. GENTRY, CCR #426

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<b>A</b>	13:20 14:6 <b>believe</b> 14:12,16 16:24 19:8,10 <b>better</b> 13:24 14:3 14:11 <b>Bianca</b> 12:4 14:8 <b>Bishop</b> 12:5 <b>bit</b> 13:24 17:8 <b>Boulevard</b> 12:3 <b>Box</b> 12:6,19 13:15 <b>BURTON</b> 11:24 13:3,17,22 14:4 14:6,12,21 15:4 15:7,19 16:4,9 16:20 17:2,6 18:2,5,8,13,21 19:2,4,7,12,14 19:16 20:4,7,11 20:16,21,25	11:15 13:5 <b>conduct</b> 17:12 <b>conference</b> 10:16 10:24 11:7 13:1 <b>confirm</b> 19:18 <b>conflict</b> 17:23 18:1,3,10 <b>Consolidated</b> 10:8 11:17 12:9 13:6 14:7 <b>copy</b> 15:10 <b>correct</b> 14:19,20 14:25 22:12 <b>Counsel</b> 12:15,17 <b>Counsels</b> 17:20 17:24 <b>Counsel/Water</b> 12:16 <b>County</b> 10:9 11:18 12:9 13:7 22:4,16 <b>couple</b> 15:11 <b>Court</b> 14:14,19 15:2,5 17:9 22:5 <b>Court's</b> 18:19 <b>C-1</b> 10:9 11:18 12:9 13:6	<b>Deputy</b> 12:16 <b>disagreement</b> 16:18 <b>discovery</b> 15:17 16:6 17:10,13 21:5 <b>discuss</b> 21:5 <b>disposed</b> 18:19 <b>dispute</b> 15:14 <b>District</b> 10:8 11:18 12:9 13:6 <b>documents</b> 16:7 16:13 <b>drive</b> 19:24	<b>first</b> 18:22 <b>following</b> 16:12 <b>foregoing</b> 22:12 <b>form</b> 15:10 <b>forth</b> 22:9 <b>forward</b> 14:10 <b>four</b> 16:25 <b>front</b> 15:9,10 17:24 <b>full</b> 18:5 22:12
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