

In the Matter of:

WILLIE J. HARRIS, JR.

v.

MISSOURI-AMERICAN WATER COMPANY

WC-2021-0129, VOL. II

May 04, 2021



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BEFORE THE PUBLIC SERVICE COMMISSION

STATE OF MISSOURI

TRANSCRIPT OF PROCEEDINGS

EVIDENTIARY HEARING VIA WEBEX

Willie J. Harris, Jr.,)	
)	
Complainant,)	
)	
v.)	File No. WC-2021-0129
)	
Missouri-American Water)	
Company,)	
)	
Respondent.)	

MAY 4, 2021

JEFFERSON CITY, MISSOURI

VOLUME 2

JANA JACOBS, Presiding
Regulatory Law Judge

SCOTT T. RUPP, Commissioner
JASON R. HOLSMAN, Commissioner
MAIDA J. COLEMAN, Commissioner

REPORTED BY:
Beverly Jean Bentch, CCR No. 640
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ALSO PRESENT:

Willie J. Harris, Jr.

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P R O C E E D I N G S

1
2 JUDGE JACOBS: Good morning, everybody. Thank
3 you all for being here. It looks like I have all the
4 counsel that I need to have present, and I believe I
5 have Mr. Harris as well. All the essential parties
6 should be here. We do also have some Commissioners on
7 the line with us as well. Let's go ahead and bring this
8 proceeding to order. We are now on the record. Good
9 morning. Today is May 4, may the force be with you.

10 It is 9:15 a.m. The Missouri Public Service
11 Commission has set this time for an evidentiary hearing
12 in File No. WC-2021-0129 which concerns Mr. Willie
13 Harris, Jr.'s complaint against Missouri-American Water
14 Company. My name is Jana Jacobs, and I'm the Regulatory
15 Law Judge assigned to this proceeding.

16 As you know, the members of the Commission are
17 Chairman Ryan Silvey, Commissioner William Kenney,
18 Commissioner Scott Rupp who is with us here today for
19 this proceeding, Commissioner Maida Coleman who is also
20 here today with us for this proceeding and Commissioner
21 Jason Holsman who is also with us today. So we will get
22 started with entries of appearance. This is when
23 lawyers will introduce themselves for the parties that
24 they represent, and we will also have Mr. Harris
25 introduce himself. So Mr. Harris, if you would like to

1 go ahead here this morning, just introduce yourself and
2 spell your name for the record.

3 MR. HARRIS: Okay. My name is Willie J.
4 Harris. That's W-i-l-l-i-e J. H-a-r-r-i-s.

5 JUDGE JACOBS: Typically I've seen your name
6 with the Jr. notation with it; is that correct, sir?

7 MR. HARRIS: That's correct.

8 JUDGE JACOBS: Okay. Thank you. And are you
9 representing yourself today, sir?

10 MR. HARRIS: I am.

11 JUDGE JACOBS: Okay. Thank you. And now we
12 will proceed to counsel. You can enter your appearance
13 today, counsel, by introducing yourself and identifying
14 the party you represent. If your current contact
15 information is on the record in this case, you don't
16 need to repeat it here. However, you can if that's how
17 you prefer to do things. We can get started with
18 Missouri-American, please.

19 MS. HERNANDEZ: Good morning. This is
20 Jennifer Hernandez, as well as Dean Cooper with the law
21 firm of Brydon, Swearngen & England. Also Mr. Tim
22 Luft, an employee with Missouri-American Water Company.
23 We all represent Missouri-American Water Company in this
24 matter.

25 JUDGE JACOBS: Thank you very much, Ms.

1 Hernandez. And now for Commission Staff.

2 MS. BRETZ: I'm Karen Bretz, B-r-e-t-z, for
3 Staff of the Missouri Public Service Commission. I
4 believe that Mark Johnson is here as well, and the court
5 reporter should have my information.

6 JUDGE JACOBS: Thank you very much, Ms. Bretz.
7 Okay. So as everyone can readily observe, this hearing
8 is being conducted by telephone and videoconference.
9 I'm going to ask that the participants silence their
10 cell phones and any alerts that you have set up that
11 might interrupt our proceeding today. If you're
12 participating by video, please silence your line unless
13 you're speaking. I'm going to ask Mr. Harris to silence
14 his line at this time because he's not speaking. Thank
15 you.

16 Any witnesses who will appear by video today
17 need only be visible by video during their testimony.
18 So many of you have witnesses who are going to show up
19 by video. They don't have to feel like they have to
20 remain on video for the entire time. And while I'm not
21 asking that witnesses stay on camera the entire time, I
22 am requesting that witnesses remain present for the
23 proceeding until they're specifically excused. So I
24 have learned from experience that sometimes we need to
25 call a witness back. So when witnesses are excused

1 after their testimony, I would ask that they remain
2 available until their counsel or I have instructed them
3 that they're excused. So Mr. Harris, if you have
4 witnesses who won't be available today for the whole day
5 and need to be excused by a certain time, you can go
6 ahead and let me know that when that becomes an issue.

7 We do occasionally need to call folks back,
8 and it's just a lot easier if our witnesses are
9 available. If that is going to be available, as I said,
10 for any witness in particular, just go ahead and let me
11 know and we'll do the very best that we can to
12 accommodate them while also getting as much done as we
13 can in this hearing today.

14 So for those attorneys who are appearing by
15 video, I would ask that you remain present by video in
16 general during the hearing, although I understand for
17 privacy sake there are times when it's best to simply
18 briefly interrupt your video, and please feel free to do
19 that. It just helps me communicate with counsel if I
20 can look for your faces and communicate that way. So I
21 appreciate it.

22 I want to remind everybody that the chat
23 function that you may be seeing on your WebEx screen is
24 a public chat. It's available to everyone. And it is
25 not private. So keep that in mind. And the chat also

1 is not part of the official record in this case. So we
2 will be trying to take breaks briefly about every 90
3 minutes in this case. Please speak up and let me know
4 if you need a break before that time. Okay. So those
5 are the preliminary comments I would make to help
6 everybody orient themselves to this hearing here this
7 morning.

8 The next thing that I would like to discuss
9 would be exhibits. We did make an effort to make sure
10 that the parties had an opportunity to exchange all the
11 documents that might be referred to here today.

12 Missouri-American filed copies of proposed exhibits in
13 EFIS, which is the Commission's electronic filing and
14 information system that's available online, and the
15 Company also confirmed that those documents were
16 delivered to Mr. Harris on April 27.

17 Similarly, Staff filed a certificate of
18 service confirming delivery to Mr. Harris of Staff's
19 proposed exhibits on April 26. We are not going to have
20 this many exhibits in this case, but it is easy for me
21 to keep track of exhibits if we divide them up by party
22 into groups. So Mr. Harris' exhibits will be numbered
23 from 1 to 99. Missouri-American's exhibits will start
24 at 200. Staff's exhibits will start at 100. And should
25 it be necessary for the Commission to label anything as

1 an exhibit, that will start at 300. So after the
2 hearing today, those offered exhibits will be marked
3 according to the number and filed in EFIS under my
4 supervision after the hearing. Does anybody have any
5 questions about those issues?

6 MS. HERNANDEZ: No.

7 JUDGE JACOBS: Okay. Thank you. I did want
8 to take up a couple things about Staff's exhibit filing
9 because it seems like this would be the most efficient
10 time to do it in advance rather than waiting for the
11 middle of the hearing. So I just wanted to clarify with
12 Staff if the submission for DR 7 was intended to be just
13 the single page with no attachments. There is a
14 response written on that DR. So it is possible that
15 that was the submission. I just want to confirm.

16 MS. BRETZ: I believe it's just the single
17 page, if I could scroll down.

18 JUDGE JACOBS: And I'm happy to wait and give
19 you a chance to actually check that.

20 MS. BRETZ: Yes. It's just the single page.

21 JUDGE JACOBS: Okay. So DR 10 also is just a
22 page, but the actual page that was submitted didn't seem
23 to have a response on it. So was there an attachment
24 intended to that one or am I just not grasping what was
25 offered there?

1 MS. BRETZ: Yes. So there is an attachment to
2 DR 10. It's the next page.

3 JUDGE JACOBS: Could you just describe it to
4 me? I'm going to look here. Okay. So DR 10 is also
5 page 38 and then DR -- So page 39 is the attachment to
6 that; is that right?

7 MS. BRETZ: Yes.

8 JUDGE JACOBS: Okay. So this confused me
9 because it said on the top it was 13. So I guess I was
10 thinking it was another DR but it's not. This was the
11 attachment to DR 10.

12 MS. BRETZ: Yes, that's correct.

13 JUDGE JACOBS: Okay. And this is why this is
14 helpful to me, because then I won't interrupt our
15 hearing with these questions. And then your exhibit
16 list, Ms. Bretz, is the reference to a service visit on
17 October 28, was that a mistake? Is that October 18? I
18 was just trying to figure out the timeline in the case.

19 MS. BRETZ: Sure. Debbie, could you help me
20 out with that? Ms. Bernsen, could you help me out with
21 that, please?

22 MS. BERNSEN: Yes, that should be October 18.

23 JUDGE JACOBS: Okay. That just eliminates a
24 question that I might need to ask a witness. I just
25 thought I should clarify that. Thank you. I appreciate

1 those clarifications at this stage.

2 All right. The only other thing that I had at
3 this point was that I would mention that the documents
4 that are filed with the Commission that describe the
5 Company's rates and the rules under which it may provide
6 service are called tariffs or tariff sheets and those
7 are filed with the Commission. They're also made
8 available to customers under the law by the Company. So
9 the Commission is proposing to take official notice of
10 those tariffs in this case and those would be the
11 tariffs in effect for Missouri-American Water Company
12 during the relevant time period in this case.

13 Is there any party who would make any
14 objection to that? Okay. Thank you. So the Commission
15 has taken official notice of Missouri-American's tariffs
16 in effect during the time periods in this case.

17 All right. So the next issue would be the
18 order of proceedings in this case today. So the joint
19 list of issues and exhibits and witnesses didn't
20 necessarily provide an order of proceedings which is
21 perfectly fine because we can use what is established
22 under the Commission's rule in general. So my plan was
23 to hear from Mr. Harris first, and Mr. Harris has
24 identified five witnesses, including himself. So Mr.
25 Harris will go first. And then after Mr. Harris, Staff

1 would proceed, and Staff has identified two witnesses.
2 And OPC, while it has filed something in this case, has
3 indicated to me that it doesn't intend to appear today.
4 So after Staff, we would hear from the Company. So
5 Missouri-American has indicated that it will present one
6 witness. After looking over the case, I feel like that
7 order of proceedings is actually going to be the most
8 efficient way to present the evidence in this case. Is
9 there any party that has any major concerns about that?
10 Okay. So that's the way we're going to do it then.

11 All right. So those were all the
12 preliminaries that I wanted to mention. Does any party
13 have anything that they would like to mention before we
14 get started with opening statements? So Mr. Harris, did
15 you have anything you want to mention or questions you
16 needed to ask before we get started with opening
17 statements this morning?

18 MR. HARRIS: Well, the only other thing that I
19 have is that I may have to use the restroom in between.
20 I don't know exactly. If I do, then I'd like to be
21 excused for that.

22 JUDGE JACOBS: Right. So I will try to make
23 sure that we take breaks, as I said, about every 90
24 minutes. If you need to be excused, just go ahead and
25 mention that you would need a break.

1 MR. HARRIS: Yeah, because I'm 80 years old.

2 JUDGE JACOBS: Well, sir, does a 90-minute
3 interval sound reasonable to you for taking breaks or
4 should I try to take breaks more often?

5 MR. HARRIS: Well, if there is a problem, can
6 I just say I need to be excused?

7 JUDGE JACOBS: Yeah. Obviously you're a
8 grown-up and if you need to be excused to use the
9 restroom, then you will certainly do that. I would
10 encourage you to make sure you let us know because I
11 want to make sure that you are present for the
12 proceedings today. Okay?

13 MR. HARRIS: Okay.

14 JUDGE JACOBS: Yes. Okay. Did you have any
15 other questions or comments at this point, sir?

16 MR. HARRIS: No.

17 JUDGE JACOBS: Okay. Thanks for bringing that
18 up with us. I do appreciate hearing about that concern.
19 Okay. Did Staff have any comments or questions or
20 issues to raise before we proceed to opening statements?

21 MS. BRETZ: Could we perhaps establish the
22 order for cross-examination?

23 JUDGE JACOBS: Oh, yeah, sure. I was going to
24 follow that same order. I was going to -- Let's see.
25 Cross-examination for Mr. Harris' witnesses would begin

1 with Staff and then the Company and then
2 cross-examination for Staff's witnesses would begin with
3 the Company and then Mr. Harris would follow and then
4 for the Company's witness we would begin with Staff and
5 Mr. Harris would follow as well. Is that acceptable to
6 everyone or does any party have any concern about that?

7 MS. BRETZ: That's fine.

8 JUDGE JACOBS: Is it? I hope I didn't upset
9 anyone's apple cart. This is what I had prepared for.
10 Ms. Hernandez, do you have any comments or concerns
11 about that?

12 MS. HERNANDEZ: No, thank you.

13 JUDGE JACOBS: Okay. Thank you. Did you have
14 anything else, Ms. Bretz?

15 MS. BRETZ: No, thank you.

16 JUDGE JACOBS: Okay. Thank you. And then Ms.
17 Hernandez, I did ask you just now if you had any
18 comments on that issue. Did you have anything else
19 before we get started?

20 MS. HERNANDEZ: Nothing.

21 JUDGE JACOBS: Actually my talking over Ms.
22 Hernandez reminds me that I need to remind everyone that
23 we have a court reporter here today, that's Ms. Bentsch,
24 and she is taking down what everyone says. So we all
25 need to try to speak one at a time and not interrupt

1 each other so that Ms. Bentch can do her job. She may
2 occasionally have to ask us to repeat ourselves in
3 particular if the audio gets bad. Just be aware that
4 there is someone here who's taking down a transcript of
5 these proceedings here today.

6 All right. So I think that we have done all
7 of our preliminaries. So we can go ahead and proceed to
8 opening statements from Mr. Harris. If you just give me
9 one moment here, Mr. Harris, and then we'll get going.

10 Okay. So our next step here will be to hear
11 Mr. Harris' opening statement. And Mr. Harris, are you
12 ready to proceed at this time?

13 MR. HARRIS: Yes, I am.

14 JUDGE JACOBS: Okay. So I want to -- Your
15 opening statement isn't evidence in this case, but I
16 want to make sure that you have been sworn in before you
17 start addressing the Commission today. So could you
18 raise your right hand, sir? Thank you very much.

19 (Mr. Harris sworn.)

20 JUDGE JACOBS: Thank you very much, sir. I
21 appreciate that. So what you're doing with your opening
22 statement, and you may now lower your right hand, you've
23 been sworn in, sir. What you're doing with your opening
24 statement here today is briefly explaining to the
25 Commission a summary of what it is that you want the

1 Commission to know about this situation; and then after
2 you've given your opening statement, we will hear an
3 opening statement from counsel for Staff and from the
4 Company and then at that point you will have an
5 opportunity to give your full testimony and then you'll
6 be asked questions about your testimony and then we'll
7 hear from your witnesses. So at this point, please
8 think of your statement to the Commission as just a
9 preview or summary of what you want the Commission to
10 know understanding that you will have the opportunity
11 very soon to give your full testimony. Does that make
12 sense?

13 MR. HARRIS: It makes sense to me.

14 JUDGE JACOBS: Thank you, sir. You may now
15 proceed.

16 MR. HARRIS: Okay. My name is Willie Harris,
17 and I own the property at 2651 Garham Drive. I
18 purchased that property in 2000 -- no, I'm sorry, 1990.
19 And the meter 8791 has been in there ever since I had
20 this property. There has been no Missouri-American
21 Water Company employees in my house until October 18,
22 2019. I think that's '19, yeah, '19 when they verified
23 the meter in my basement. So there has not been another
24 employee in my house since then. The meter has not been
25 changed at all. It's been there ever since I've had the

1 home, and there's been nobody that was able to get into
2 my house, especially 11/30/2009. That's not true. I'm
3 the only one that has a key besides my nephew and my
4 niece. They take care of my house when we're in
5 Arkansas. So those particular work orders that were
6 made up that said I initiated the meter change is false.
7 I never called them only to pay them and that was it,
8 and I paid them for 30 years without any problems up
9 until now. That's my opening statement.

10 JUDGE JACOBS: Thank you, sir. All right. So
11 we've now heard Mr. Harris' opening statement. We can
12 proceed to counsel for Staff. And Mr. Harris, if you'll
13 mute your line for us while Ms. Bretz makes her
14 statement. Thank you.

15 MS. BRETZ: Good morning. May it please the
16 Commission. My name is Karen Bretz, and I'm an attorney
17 with Staff Counsel's Office. We are here today so the
18 Commission may take testimony and ask witnesses
19 questions to determine whether Missouri-American should
20 credit Mr. Harris' account for about \$700 -- excuse me,
21 \$760 in water usage and account charges. The \$760
22 represents billings between May 2019 and September 2020.
23 Mr. Harris' complaint seems to stem from
24 Missouri-American's attempts to upgrade the meter at his
25 St. Louis home. Mr. Harris' meter is located in his

1 basement. So he and Missouri-American must coordinate
2 the upgrade. However, Missouri-American's contractor
3 couldn't set up a time compatible with Mr. Harris'
4 schedule and there have been no upgrades.

5 Mr. Harris seems to believe that because
6 Missouri-American couldn't accomplish the upgrade
7 Missouri-American inflated his billing and that's why he
8 didn't make the payments. Mr. Harris writes about this
9 on page 2 of his complaint. I'm quoting his complaint.
10 MAW wanted to change the meter at my residence 2651
11 Garham Drive. I tried to work out a time for the
12 change. The contractor for MSW, and he actually means
13 of course Missouri-American, could not or wouldn't give
14 me a compatible time for installation as I live out of
15 town. No one was able to stay for their timetable.
16 This is when the problems began and continue.

17 My nonpayment is because Missouri-American
18 Water purposefully inflated my bill with malice knowing
19 beforehand the reading was inaccurate. What I want is
20 an apology and restoration of my water service with no
21 payments as I am sure overpayments have been made.

22 Backing up, Mr. Harris, as he said, bought his
23 St. Louis house in 1990. He received Missouri-American
24 service there until September 29, 2020, when his water
25 was disconnected for nonpayment.

1 Mr. Harris bought an Arkansas home in 2005,
2 and he and his wife spend most of their time at the
3 Arkansas home, and during this time the St.
4 Louis home sits vacant. Family members come by to pick
5 up the mail, cut the grass and generally keep an eye on
6 things.

7 Mr. Harris' water usage reflects sporadic use.
8 Staff got copies of Mr. Harris' billings between May
9 2015 and October 2020. These billings show usage
10 consistently between 0 and 5 units per quarter with two
11 exceptions. The first exception was for water during
12 the summer of 2019.

13 Missouri-American billed Mr. Harris \$1,865.64
14 for 457 units of water, which is almost 342,000 gallons.
15 Mr. Harris says there's no sign of a water leak. He
16 doesn't have a pool or a sprinkler system.

17 Missouri-American immediately contacted Mr.
18 Harris about the high usage. Missouri-American applied
19 a courtesy adjustment of \$1,822.19 to Mr. Harris'
20 account in November 2019. Missouri-American based its
21 adjustment on Mr. Harris' usage during the same quarter
22 the previous summer. After the adjustment, Mr. Harris'
23 account had a balance of \$107.75. The parties agreed in
24 the stipulated facts that this credit was correctly
25 calculated and applied. All the same, Mr. Harris is

1 hung up on this billing.

2 He writes on page 1 of his complaint, quote,
3 had MAW performed as required, the overcharge never
4 should have happened. Later on he writes I feel
5 basically to resolve a problem it created by not
6 correctly reading my meter in a timely fashion. End of
7 quote.

8 But it's a wash. Missouri-American credited
9 Mr. Harris' account for 100 percent of the high usage.
10 Mr. Harris' last payment to Missouri-American was July
11 8, 2019, and he continued receiving Missouri-American
12 service for four full quarters and a portion of the
13 fifth quarter.

14 His usage for the four quarters following the
15 high usage was his normal. His usage was one unit in
16 the October 2019 billing, two units in the February 2020
17 billing and zero units for the May and August 2020
18 billings. This tends to show that his meter was
19 operating properly.

20 As I stated at the beginning,
21 Missouri-American disconnected Mr. Harris' service on
22 September 29, 2020. Missouri-American made a final
23 reading at the time it disconnected his service which
24 showed usage of 109 units or approximately 81,500
25 gallons of water since the prior reading on July 31,

1 2020. This was the second high billing.

2 As of October 30, 2020, Mr. Harris' balance
3 was \$759.76 for water he received and the service
4 charges accrued from May 2019 through September 2020.
5 Mr. Harris requests that this amount be credited to him
6 and his account reinstated.

7 The party's first issue is whether
8 Missouri-American failed to replace Mr. Harris' meter
9 since 1987. There is no meter replacement schedule in
10 Missouri law, the Commission's rules or
11 Missouri-American's tariff. However, Missouri-American
12 is required to have a meter testing program to be in
13 compliance with 20 CSR 4240-10.030(38). I'd like to
14 state that I incorrectly stated in my cover pleading
15 that it was subparagraph 28. It's subparagraph 38.

16 Mr. Harris claims that his meter has not been
17 replaced since 1987. Missouri-American records show
18 that his meter was replaced in 1987. The parties
19 stipulated in this case that the serial number on Mr.
20 Harris' current meter is 87918668.

21 Missouri-American records show that Mr.
22 Harris' meter was replaced in November of 2009 with a
23 meter bearing serial number 87918668. Ironically
24 Missouri-American has attempted to upgrade Mr. Harris'
25 meter. Missouri-American's letters attached to Ms.

1 Figueroa's affidavit showed that Missouri-American tried
2 to schedule the upgrade since January of 2018. However,
3 the parties can't find a time that works for Mr. Harris.
4 So the upgrades haven't happened.

5 In summary for this issue, Mr. Harris
6 presented no evidence that his meter hasn't been changed
7 since 1987. Missouri-American presented evidence that
8 it changed Mr. Harris' meter in 2009 and it's the same
9 meter that's in its billing. Moreover,
10 Missouri-American has been wanting to upgrade his meter
11 since early 2018, but Mr. Harris won't let the
12 contractor in his house.

13 The party's second issue is whether
14 Missouri-American estimated Mr. Harris' meter readings.
15 20 CSR 4240-13.020 states that the utility shall render
16 bills based on actual readings with some exceptions that
17 aren't relevant here. As I stated at the beginning, Mr.
18 Harris' water meter is in his basement. There is no
19 Advanced Metering Infrastructure or AMI attached to Mr.
20 Harris' meter. A wire runs from the meter to a touchpad
21 outside his home. Because he doesn't have an AMI,
22 Missouri-American meter readers much touch the touchpad
23 with a handheld meter.

24 According to the Missouri-American billing,
25 all reads during the relevant time period were actual

1 reads. There were no estimated reads. Mr. Harris
2 presented pictures of his meter that showed the meter
3 number. The meter number on his billings match the
4 meter number on the pictures Mr. Harris provided. The
5 readings on the bills are notated as actual readings.
6 Mr. Harris states that a meter reader has not come to
7 his house, but he lives primarily at his Arkansas home.
8 The meter readers could easily have stopped by while no
9 one was at his St. Louis home.

10 On this issue, Mr. Harris has presented no
11 evidence that the readings were estimated readings. He
12 only asserts they were estimated. In contrast,
13 Missouri-American presented evidence that the meter
14 number on the bills matches Mr. Harris' meter number
15 which shows that they were actual readings.
16 Additionally, Missouri-American's bills are notated as
17 actual readings.

18 The party's third issue is whether
19 Missouri-American incorrectly read Mr. Harris' meter in
20 violation of statute, tariff or rule.
21 Missouri-American's readers read cumulatively. The most
22 current reading is subtracted from the prior reading to
23 determine usage. The meter is set to zero when it's
24 first installed.

25 Mr. Harris seems to believe that he's had the

1 same meter since 1987. His reading on Missouri
2 American's readings of his meter on May 2, 2019 showed
3 cumulative usage of 126 units. Mr. Harris seems to
4 believe that it's unlikely that he would have used so
5 little water, only 126 units, from 1987 to 2020.
6 Therefore, in his mind the readings are inaccurate. But
7 of course, the 126 unit reading is consistent with a new
8 meter installed in 2009 and part-time water use.

9 Staff cannot find other evidence in Mr.
10 Harris' pleadings related to the issue of whether
11 Missouri-American incorrectly read his meter.
12 Missouri-American has provided all the readings, the
13 dates of the readings and explained that all readings
14 except the one after the disconnect were actual readings
15 performed either by using the touchpad or reading the
16 actual meter.

17 The party's fourth issue is what the remedy
18 should be if Missouri-American violated any statute,
19 tariff or rule. Staff found no violation of statute,
20 tariff or Commission rule. Therefore, there's no need
21 for the Commission to structure a remedy.

22 In summary, Mr. Harris carries the burden of
23 proving that Missouri-American violated the law or its
24 tariff, and he has not satisfied this burden. Frankly,
25 Staff is puzzled by many of Mr. Harris' claims. Staff

1 doesn't understand why Mr. Harris pursues a complaint
2 when Missouri-American credited his account \$1,800 for
3 reported high usage. I talked with Mr. Harris about
4 this. He believes -- excuse me. I need to get a drink
5 of tea. He believes that the \$1,800 charge is proof
6 that Missouri-American is trying to intimidate him,
7 Missouri-American is trying to intimidate him because
8 its contractor has been unable to get into his house to
9 upgrade the meter.

10 This leads to my next point. Staff also has
11 difficulty understanding why Missouri-American would try
12 to intimidate Mr. Harris. According to filings in its
13 latest rate case, Missouri-American has approximately
14 470,000 water customers. Why would it single out Mr.
15 Harris?

16 We are also puzzled why Mr. Harris faults
17 Missouri-American for not changing his meter at the same
18 time he won't allow the Missouri-American contractor in
19 his house to do upgrades. I talked with him about that
20 too and analogized it to dealing with an internet
21 service person.

22 The Company gives you a window of time within
23 which they will be at your house and you just have to
24 work around it. Mr. Harris expects a time certain and
25 will settle for nothing else. Additionally to his

1 pleadings Mr. Harris refers to an outside meter and an
2 inside meter. Mr. Harris mistakes the outdoor touchpad
3 to be a second meter. He believes he has two meters.

4 Staff cannot explain the high usage reported
5 during the summers of 2019 and 2020. Staff believes
6 that Missouri-American wants to try to figure it out,
7 but Mr. Harris must cooperate. He has to let the
8 contractor in his house. He should consider putting a
9 lock on his outside faucet. If Mr. Harris would work
10 with Missouri-American, they may be able to find
11 solution to his issues.

12 Staff has available for questions Debbie
13 Bernsen, a customer experience analyst, and David Roos,
14 a professional engineer. Thank you.

15 JUDGE JACOBS: Thank you very much, Ms. Bretz.
16 We can now proceed to opening from the Company, Ms.
17 Hernandez.

18 MS. HERNANDEZ: Good morning. May it please
19 the Commission. Again, my name is Jennifer Hernandez,
20 and I represent Missouri-American Water Company in this
21 matter. The Commission has four issues before it this
22 morning for decision.

23 First, did Missouri-American fail to replace
24 Mr. Harris' meter since 1987 in violation of statute,
25 tariff or rule. Second, did Missouri-American estimate

1 Mr. Harris' meter readings rather than take actual reads
2 in violation of a statute, tariff or rule. Third, did
3 Missouri-American incorrectly read Mr. Harris' meter in
4 violation of statute, tariff or rule. And fourth, if
5 Missouri-American violated any statute, tariff or rule,
6 should the remedy be a bill credit to Mr. Harris.

7 Ms. Tracie Figueroa will testify today on
8 behalf of Missouri-American. Ms. Figueroa is a business
9 service specialist customer experience with
10 Missouri-American and has 19 years of experience. The
11 evidence today will show that Missouri-American has not
12 violated a statute, tariff or rule and accordingly there
13 should be no credit to Mr. Harris' account.

14 As to issue 1, the evidence today will show
15 the meter at Mr. Harris' service address was replaced
16 with a Neptune meter on November 30, 2009. The 2009
17 replacement is within Missouri-American's 15-year meter
18 change program for five-eighths inch meters, which is
19 based on results of meter studies conducted in 1960,
20 1968, 1972, 1990, 1995 and 2012. All those meter
21 studies show that time period to be sufficient to ensure
22 compliance with the Commission's Rule 20 CSR
23 4240-10.030(37).

24 Neptune meters are warranted to meet or exceed
25 meter accuracy standards for at least 15 years. That

1 being said, Missouri-American attempted to update the
2 meter at Mr. Harris' service address. Missouri-American
3 attempted to install an Advanced Metering Infrastructure
4 meter during the 2018-2019 time frame.
5 Missouri-American was unable to schedule an appointment
6 with Mr. Harris for this replacement.

7 As to the second issue, from February 2015
8 through the date of disconnection on September 29, 2020,
9 bills for water usage at Mr. Harris' service address
10 were based on actual meter readings. Water service was
11 disconnected for nonpayment on September 29, 2020.
12 After the water service was disconnected,
13 Missouri-American did not send another truck to the home
14 to read the meter again when the account was closed.
15 Instead, the final read for billing purposes was
16 estimated. Since the water was turned off only one week
17 earlier, the reading was estimated to be the same as it
18 was when it was disconnected. This is the reason why
19 the final bill from August 1, 2020 through October 7,
20 2020 indicates an estimated read and the same 695 units
21 that was read on September 29, 2020 when service was
22 disconnected.

23 As to issue three, Mr. Harris' meter at his
24 service address is located inside the house. However,
25 Missouri-American was able to read the meter without

1 entry into his house. A field service representative is
2 able to obtain the meter reading from a touchpad that is
3 located on the outside of the complainant's home. This
4 touchpad is wired directly from the meter to the outside
5 of the customer's home for the express purpose of
6 allowing meter readings to be obtained without having to
7 access the customer's meter inside the house.

8 The evidence will show that
9 Missouri-Americans's meter readings and water usage are
10 in agreement with the meter readings and water usage
11 provided in the photographs submitted by Mr. Harris'
12 complaint.

13 As to issue four, the evidence will show that
14 Missouri-American has not violated any statute, tariff
15 or rule. So Mr. Harris is not entitled to any relief.
16 As such, Missouri-American requests the Commission to
17 make a finding that it has not violated any Commission
18 statute, rule or company specific tariff in the
19 provision of service to Mr. Harris. Thank you.

20 JUDGE JACOBS: Thank you very much, Ms.
21 Hernandez. Before we proceed to hear Mr. Harris'
22 testimony this morning, I want to give Commissioners an
23 opportunity to make any statements that they might want
24 to make or to ask questions of counsel or Mr. Harris.
25 Do any of our Commissioners present wish to say anything

1 at this point or ask any questions?

2 COMMISSIONER HOLSMAN: No questions at this
3 time, Judge.

4 JUDGE JACOBS: Thank you, Commissioner
5 Holsman. I'm not seeing any indications that we have
6 questions from Commissioners. I do want to make clear
7 that Commissioners are able to interrupt the proceedings
8 whenever they would like and ask questions. So the
9 floor is always open to our Commissioners to do so.

10 So Mr. Harris, would now be a good time to
11 take a break or would you be ready to proceed with your
12 testimony this morning?

13 MR. HARRIS: I can proceed now.

14 JUDGE JACOBS: Okay. All right. So what we
15 would do is try to get through as much of your testimony
16 here this morning as we can. I'm going to ask you to go
17 ahead and make whatever statement that you wanted to
18 make and then we will talk about the documents that you
19 filed in this case. And then, once again, I may have
20 some more questions for you and counsel for the other
21 parties may have questions for you. So understanding
22 that, sir, you can go ahead and give your testimony this
23 morning.

24 MR. HARRIS: Okay. Now, Missouri-American
25 Water say they put a meter in in 2009, but they show no

1 readings for that period from 2009. What happened to
2 2010, 2011, 2012, 2013, 2014? The only ones they have
3 is 2015 through '19. So where are those readings?
4 Where are they at?

5 JUDGE JACOBS: You will have an opportunity to
6 ask a Company witness that question. And in fact,
7 another party may ask that question today.

8 MR. HARRIS: Also, I know exactly what they
9 did. I have here -- I don't know if you can see this,
10 but this is a bill that was here. Can you see this?

11 JUDGE JACOBS: So sir, if you're referring to
12 a document that you have already submitted, you should
13 describe it and then everyone can look at their file and
14 figure out what you are looking at.

15 MR. HARRIS: Okay.

16 JUDGE JACOBS: So what I would like to ask the
17 parties to do when we're talking about statements today,
18 every statement has I think it's called a billing date
19 on it. The due date is usually much bigger but it's a
20 billing date. If we could refer to the statements by
21 the billing date, that might help us all know what we're
22 looking at.

23 MR. HARRIS: Okay. The billing date on this
24 is 2/5 of '19 through 5/2 of '19.

25 JUDGE JACOBS: I believe from reviewing what

1 you have submitted you submitted just a portion of that
2 statement to the record in this case. You didn't submit
3 the full thing.

4 MR. HARRIS: No, I didn't have the full page,
5 but now here I have the readings of 1/26 --

6 JUDGE JACOBS: So let's let everyone get a
7 chance to look at what you're looking at. I think that
8 this excerpt from the statement was filed by Mr. Harris
9 on March 1.

10 MR. HARRIS: It's a billing 2005 through 2019
11 and the 5/2/2019 was that quarter.

12 JUDGE JACOBS: Mr. Harris had previously
13 submitted one page from that statement which was page 3.
14 That was included in the documents that he submitted on
15 March 1. Has every -- Has counsel for the Company and
16 Staff, are you satisfied that you know what we're
17 talking about?

18 MS. HERNANDEZ: I believe so.

19 JUDGE JACOBS: Ms. Bretz has indicated yes.
20 And Ms. Hernandez?

21 MS. HERNANDEZ: I believe so.

22 JUDGE JACOBS: Okay.

23 MR. HARRIS: Now, on this document they have
24 126 actual current read and 126 actual previous read.
25 Now, the billing for August 28, 2019, they have 126

1 actual and 583 actual which is the current read on this.

2 JUDGE JACOBS: So I believe now you're talking
3 about the next statement that followed that that was
4 issued in August 2019; is that right?

5 MR. HARRIS: Yes, that's correct.

6 JUDGE JACOBS: Okay. So that was --

7 MR. HARRIS: It was August 28 actually on
8 this.

9 JUDGE JACOBS: That's the statement that
10 essentially is the source of this conflict because it
11 was the first very large bill. Hold on for one second.
12 The only place I find that in a filing in this case is
13 in Staff's April 22 filing.

14 MR. HARRIS: Okay. But they show a current
15 read --

16 JUDGE JACOBS: Hold on, Mr. Harris. We're
17 going to look at that statement with you, okay?

18 MR. HARRIS: Okay.

19 JUDGE JACOBS: Okay. So that statement it
20 appears indicates it starts looking at May 3, 2019 to
21 August 1, 2019. Is that what you're looking at?

22 MR. HARRIS: Yeah.

23 JUDGE JACOBS: Okay. So I find this or the
24 information of the rest of the parties in Staff's April
25 22 filing. Has everyone found what they need? And this

1 is the billing date on this statement is August 6, 2019,
2 and Mr. Harris is referring to page 3 of 4 of that
3 statement. Ms. Bretz, it looks like you are fine.

4 MS. BRETZ: Yes.

5 JUDGE JACOBS: And Ms. Hernandez? Okay.
6 Good. Looks like we can proceed then. Mr. Harris, what
7 did you want to observe about this document?

8 MR. HARRIS: Okay. They said a previous read
9 of 126 which is actual and a current read of 583 which
10 they say is actual.

11 JUDGE JACOBS: Okay.

12 MR. HARRIS: Now, what happened here is that
13 Missouri-American Water subtracted 583, because this is
14 what was on my meter in the basement, 583. They
15 subtracted 126 from this giving me a balance of 457
16 times the water which came up to three thousand --
17 341,836. How did Missouri-American Water know exactly
18 what was on my meter in the basement? They hadn't been
19 in my house. But these two together it's the same
20 amount that is on my meter in the basement. The three
21 digits that they read from the outside would not have
22 read 583 which is the same that's in my basement. So
23 that's false.

24 They knew exactly what was on my meter. This
25 meter has been in my house since 1990 when I purchased

1 the residence. They did not put a meter in my house in
2 2000 -- I mean, in 2009. There's been nobody in my
3 house to put a meter in there. They can't prove it.
4 How did they get in my house to put this meter in there?
5 I own the house. Everything that they said is not true.
6 This meter fabrication on this paper here is just a
7 fabrication. And I'll prove this without a shadow of a
8 doubt that Missouri-American Water fabricated this.
9 They did exactly what they wanted to do. It was
10 premeditated. And I'll prove this without any doubt
11 whatsoever because they can make as many of the work
12 orders that they want to. If they didn't complete them,
13 what difference does it make. They couldn't get in the
14 house. So I rest at that point.

15 JUDGE JACOBS: Okay. So what I would like to
16 do is talk to Mr. Harris about the various documents
17 that Mr. Harris has submitted to the Commission.

18 QUESTIONS BY JUDGE JACOBS:

19 Q. Okay. So sir, you filed a complaint on
20 November 22, 2020, with the Commission and that is your
21 written complaint and then you've attached some
22 documents to that. It looks like the first thing that
23 you attached was an October 12, 2019 letter that was
24 directed to the Company. And why did you want to
25 provide a copy of that letter to the Commission?

1 A. Which was it? I didn't understand.

2 Q. The October 12, 2019 letter. You submitted a
3 letter with your complaint, sir.

4 A. Why did I submit the complaint?

5 Q. No. You provided some letters that you wrote
6 to Missouri-American with your complaint; is that right?

7 A. Yeah.

8 Q. Okay. Did you write letters to the Company
9 after you got that very large bill?

10 A. What I did when I got the bill is I called
11 them and talked to them, but they didn't want to do
12 anything. So what I did from that point, I went to
13 Channel 2 in St. Louis and I talked to one of the
14 individuals before they put it on the news. He
15 contacted Missouri Water and they reduced the bill down.
16 They never sent me anything. But they reduced this bill
17 down for the Channel 2.

18 Q. I know that your complaint does include some
19 information that you contacted the media. There's also
20 some references to that I believe in some of the letters
21 that you attached. Right now I'm asking you about the
22 information that you filed with your complaint. Did you
23 write some letters to the Company, sir?

24 A. Yes, I did.

25 Q. Okay. And one of those letters is dated

1 October 12, 2019. Another letter is dated October 28,
2 2019. And the third letter that you provided was dated
3 November 22, 2019. Did you write those letters?

4 A. Yes, I did.

5 Q. Did you send them to the Company?

6 A. Yes, I did. And I have return receipts on
7 those.

8 Q. Also included with your complaint were some
9 delivery confirmation information from the postal
10 service; is that right?

11 A. That's correct, yes.

12 Q. And did you ask the Company to change the
13 address on your account at any point to your Arkansas
14 address?

15 A. No, I didn't.

16 Q. Okay. Did you send the letters that are
17 included with your complaint, sir?

18 A. Yes, I sent them.

19 JUDGE JACOBS: I'm sorry. I can hear the
20 woman's voice in the background.

21 BY JUDGE JACOBS:

22 Q. Are you able to look at the October 28 letter
23 that's attached to the complaint, sir, that you sent in?

24 A. No.

25 Q. Do you have that?

1 A. No, hold on.

2 JUDGE JACOBS: Okay. Mr. Harris, we're going
3 to try to proceed. Okay?

4 MR. HARRIS: Okay. I don't know who it is
5 because there's nobody here. My wife is in the other
6 room.

7 JUDGE JACOBS: I can hear your wife in the
8 other room. So if you could ask her to go to a
9 different room.

10 MR. HARRIS: She wasn't in here. She was in
11 the other room. I don't know where that's coming from.

12 JUDGE JACOBS: It's coming from your line.

13 BY JUDGE JACOBS:

14 Q. Okay. So there is a picture attached to your
15 complaint. It says notice of nonpayment. Can you hear
16 me, sir?

17 A. Yeah, I can hear you.

18 Q. Okay. When you submitted your complaint,
19 included with it was a picture of something that says
20 notice of nonpayment and I can see someone's thumb in
21 the image. It's a picture of someone holding a
22 document. This is what it looks like. Notice of
23 nonpayment. It was attached to your complaint.

24 A. Oh, yeah, I see that.

25 Q. Okay. Do you recognize that?

1 A. Yeah.

2 Q. What is it?

3 A. I think it's a bill that when they put it on
4 the door.

5 Q. And how did you receive that image, sir?

6 A. My niece sent it to me.

7 Q. Okay. And who is that person?

8 A. Cicely Tucker.

9 Q. So this image that was attached to your
10 complaint is an image that was sent to you by Ms.
11 Tucker?

12 A. Yes.

13 Q. Did she find this at the St. Louis house on
14 Garham Drive?

15 A. Yes, it was on the door.

16 Q. And then she took a picture of it and sent it
17 to you?

18 A. Right.

19 Q. Do you know when she sent that to you?

20 A. 9/30 I think it was.

21 JUDGE JACOBS: Okay. So you have submitted
22 this information with your complaint. It would be
23 useful to the Commission if your complaint and the
24 attachments to it were an exhibit in this case. So
25 would you offer those into evidence, sir?

1 MR. HARRIS: Yes.

2 JUDGE JACOBS: Does any party have an
3 objection to admission to the record of Mr. Harris'
4 complaint and the attached documents which includes
5 letters to Missouri-American, copies of return receipts
6 indicating letters sent to Missouri-American and an
7 image of a notice of nonpayment that Mr. Harris has
8 testified he received as a picture from Ms. Cicely
9 Tucker? Any objections?

10 MS. HERNANDEZ: No objection.

11 JUDGE JACOBS: Ms. Bretz is indicating I
12 believe no objections. Thank you very much. So that
13 will be admitted to the record as Exhibit 1.

14 (EXHIBIT 1 WAS RECEIVED INTO EVIDENCE AND MADE
15 A PART OF THIS RECORD.)

16 JUDGE JACOBS: So we'll proceed now, sir. Are
17 you able to proceed at this time? I can't hear you. Do
18 you want to try to unmute again?

19 MR. HARRIS: Yes, I am.

20 BY JUDGE JACOBS:

21 Q. Okay. So after you submitted your November 20
22 -- I'm sorry, I think that was November 2. After you
23 submitted your complaint on November 2, you made another
24 submission to the Commission.

25 A. Yes, I did.

1 Q. Okay. And that was received in Commission
2 files on November 23 and that included some other
3 documents. So you submitted with this filing a letter
4 to the Commission and you also submitted some statements
5 at this point. The billing date on the first one is
6 October 31, 2019. And then the next one has a billing
7 date of November 1, 2019. And you also submitted a
8 February 4, 2020 statement, a May 5, 2020 statement, an
9 August 4, 2020 statement, and a copy of an account
10 ledger that is not very legible. We have a lot of
11 copies of this document in this case.

12 So first I want to ask you are you familiar
13 with the documents that you submitted on the 23rd that
14 you sent in?

15 A. Somewhat. You know, I sent them in. So
16 obviously I know exactly what they are.

17 Q. Okay. Do you happen to have them with you or
18 not?

19 A. Not readily available, no, I don't have them.

20 Q. Okay. If you are not able to answer a
21 question because you don't have the document, please let
22 me know.

23 A. Okay.

24 Q. So the statements are addressed to the address
25 in St. Louis which is on Garham Drive?

1 A. That's right.

2 Q. Okay. And let's see. How do you receive your
3 statements for that account, sir?

4 A. I receive them at the Garham address.

5 Q. And then how do they actually get to you? Do
6 they ever get to you at your home address?

7 A. No.

8 Q. Or how do you receive them?

9 A. Cicely sends them to me.

10 Q. Okay. So you just told me that you don't
11 receive them. So how does she send them to you?

12 A. By mail.

13 Q. So does she take the bills and put them in a
14 different envelope and send them?

15 A. Yes, that's exactly what she does.

16 Q. Okay. And when you were receiving service
17 from Missouri-American, were you billed on a quarterly
18 basis?

19 A. Yes.

20 Q. And so is it correct that when you were
21 receiving service you would receive a quarterly bill in
22 February, May, August and October?

23 A. Yes.

24 Q. And do you happen to have the statement that
25 has a billing date of November 1, 2019? This is the

1 statement where a large credit was applied to your
2 account. Do you happen to have that?

3 A. Yes.

4 Q. Okay. And this statement is somewhat out of
5 sync then with the ordinary statements that you would
6 receive from the Company; is that right?

7 A. Yes.

8 Q. Okay. And what did the Company do in this
9 statement?

10 A. Was that the one November 22, is that what
11 you're saying?

12 Q. It has a payment due date of November 25 of
13 2019. The billing date on it is November 1, 2019.

14 A. I have a November 22, 2019.

15 Q. What does it say the total amount due is on
16 the top?

17 A. 1,929.94.

18 Q. So I don't think you're looking at the right
19 one. That one is actually the billing date October 31,
20 2019. So you would be looking for the one that comes
21 after this. November 25, 2019 is the due date on it.

22 A. I don't have that.

23 Q. So when you mailed documents into the
24 Commission and you provided copies of multiple
25 statements, what was it that you were trying to show the

1 Commission?

2 A. That the amount of water that they said I used
3 I never did.

4 Q. Okay. So if I look at what you filed on
5 November 23, it indicates that a large credit was
6 applied to your account?

7 A. 1,866.12.

8 Q. It looks like \$1,822.19 was a credit. So I'm
9 talking about a credit to your account, sir.

10 A. I'm sure if I sent that in --

11 Q. We don't need to be that specific. At some
12 point did Missouri-American after you were billed a very
13 large bill of more than \$1,800, did the Company also
14 apply a large credit to your account?

15 A. Yes, they did.

16 Q. Okay. And do you happen to remember what that
17 reduced your amount owed to?

18 A. It was \$107, if I'm not mistaken.

19 Q. Okay. And did you make any payments on your
20 account to Missouri-American after that large credit was
21 applied to your account?

22 A. No.

23 Q. Did you continue to receive service at the
24 Garham Drive house in St. Louis?

25 A. Yes, I did.

1 Q. You did. Why didn't you pay anything at that
2 point?

3 A. Because after I got the large bill, I
4 questioned their ability to actually read my meter and
5 be honest with me.

6 JUDGE JACOBS: Okay. So Mr. Harris filed with
7 the Commission on November 23 some excerpts from billing
8 statements. The billing date on those statements was
9 October 31, 2019, November 1, 2019, February 4, 2020,
10 May 5, 2020 and August 4, 2020. Is there any objection
11 to those documents being admitted to the record as
12 Exhibit 2?

13 MS. HERNANDEZ: No objection.

14 JUDGE JACOBS: Thank you very much. So those
15 documents will be admitted to the record as Exhibit 2.

16 (EXHIBIT 2 WAS RECEIVED INTO EVIDENCE AND MADE
17 A PART OF THIS RECORD.)

18 JUDGE JACOBS: So Mr. Harris, are you able to
19 continue answering questions at this time or do you need
20 a break?

21 MR. HARRIS: No, I'm okay right now.

22 JUDGE JACOBS: Okay. Good.

23 BY JUDGE JACOBS:

24 Q. All right. So that your next submission to
25 the Commission was on January 5, and in this submission

1 you submitted a copy of a letter that you received from
2 the Commission itself in regard to your informal
3 complaint?

4 A. Yes.

5 Q. This was a letter that was signed by someone
6 named Tana. Do you remember that?

7 A. Who was it now?

8 Q. It was signed by someone named Tana, T-a-n-a.
9 It was dated October 14, 2020.

10 A. Okay.

11 Q. Is there a reason that you submitted this
12 letter to the Commission?

13 A. I'm not following you.

14 Q. Is there a reason why you sent this letter in
15 to the Commission in this case?

16 A. Actually to prove my point.

17 Q. Okay. Could you just maybe be more specific
18 about what point it was that you're proving with the
19 letter, sir?

20 A. I don't have that letter. Evidently I'm not
21 prepared that way. I don't have it.

22 Q. Okay. So did you receive a letter from the
23 Commission after you filed an informal complaint about
24 Missouri-American?

25 A. Yeah, I did.

1 Q. Okay. And did that letter tell you that the
2 complaint had been investigated?

3 A. Yes, it did.

4 Q. Okay. And were you satisfied with the result
5 of that investigation?

6 A. No.

7 Q. What was it that you believe was done
8 incorrectly in that process?

9 A. Well, simply because they did not actually
10 investigate it sufficiently.

11 Q. Was there something in particular that you
12 would have liked to have seen done at that point?

13 A. Yeah. It should have been -- They should have
14 been able to know. I understand COVID-19 pandemic was
15 there. It should have been more as opposed to what it
16 was. It was superficial, didn't really cover
17 everything.

18 Q. Was there something in particular that you
19 wanted the folks who were looking at your complaint to
20 do that they did not do?

21 A. It wasn't truthful. They took --
22 Missouri-American Water Company, they took their side of
23 the complaint more-so than they took mine.

24 Q. In addition to the letter, that submission
25 that you filed on January 5 also had some attachments to

1 it, a document that looks like it's a log of meter
2 readings. Are you familiar with that document? It runs
3 from the latest date is October 28, 2020 and the oldest
4 date on it is February 3, 2015, and this document has
5 been submitted by various parties multiple times in this
6 case but you also submitted it.

7 A. Is that for the definition of the readouts
8 that they sent me?

9 Q. It's actually what you would call the
10 readouts. It's not the key or the definitions for it.
11 It's the readouts.

12 A. Yeah.

13 Q. On the top it says device, MR date, MR reason,
14 MR type.

15 A. Right.

16 Q. So are you familiar with that document?

17 A. Yes.

18 Q. Do you have it in front of you?

19 A. Yeah, I have it now.

20 Q. Okay. So you submitted that as well as what
21 you also referred to were the keys that go with it,
22 right, that explain the codes that are listed there?

23 A. Yes.

24 Q. Okay. And you submitted two documents that
25 are duplicates. They say on the top MR type code.

1 A. Yes.

2 Q. Then there's a question mark and a handwritten
3 note not my account?

4 A. Right.

5 Q. Did you --

6 A. I didn't understand at that time what it was.

7 Q. Okay. Has your understanding changed since
8 that time?

9 A. Oh, yeah, I understand it now.

10 Q. Okay. And then you also submitted another log
11 of the account charges that runs from August 3, 2017
12 through October 8, 2020. This is financial information
13 with charges and payments?

14 A. Yeah, that's right.

15 JUDGE JACOBS: All right. In addition at this
16 time -- Okay. So let's do the letter that you submitted
17 dated October 14, 2020 from the Public Service
18 Commission in regard to your informal complaint. I'm
19 going to call it the meter reading log. And then an
20 account ledger that runs from August 3, 2017 to October
21 8, 2020 and then the meter reading key that you
22 submitted. Would you like those documents to be
23 considered by the Commission in this case?

24 MR. HARRIS: Yes.

25 JUDGE JACOBS: Okay. So the documents that I

1 have identified would be admitted to the record as
2 Exhibit 3. Does any party have an objection to that?

3 MS. HERNANDEZ: No objection.

4 JUDGE JACOBS: Thank you very much. Exhibit 3
5 will be admitted.

6 (EXHIBIT 3 WAS RECEIVED INTO EVIDENCE AND MADE
7 A PART OF THIS RECORD.)

8 BY JUDGE JACOBS:

9 Q. Mr. Harris, in addition on January 5 you sent
10 in a document that has Penn Credit Corporation noted on
11 the top. Do you recognize that?

12 A. Okay.

13 Q. Do you recognize that, sir?

14 A. What is it now?

15 Q. It says Penn Credit Corporation Notice of
16 Collection.

17 A. Oh, yeah, I have that.

18 Q. Okay. So is there a reason you submitted this
19 to the Commission, sir?

20 A. Yes, there is.

21 Q. Okay. And what did you want to tell the
22 Commission about that document?

23 A. Well, first off, this I feel is out of context
24 because what they say I owe I don't and this is a
25 collection. Penn Credit is the name of the collection

1 company that they sent this to.

2 Q. Have you been receiving letters from
3 collection agencies in regard to the money that
4 Missouri-American claims that you owe?

5 A. No. I called them and told them that I wasn't
6 going to pay this anyway.

7 Q. So my question was, have you been receiving
8 letters from collection agencies --

9 A. No.

10 Q. -- in regard to the money that the Company
11 says you owe?

12 A. No.

13 Q. What is this document if it is not a letter
14 from a collection agency, sir?

15 A. This is the only thing I received from them.

16 Q. So you've received --

17 A. They never called me or did anything any more.

18 Q. So you received one letter from a collection
19 agency in regard to this account?

20 A. Yes.

21 Q. And you've contacted the collection agency or
22 the Company to get those letters to stop?

23 A. I called them.

24 Q. Who's them, sir?

25 A. The Penn Credit.

1 Q. And after you contacted them, they have no
2 longer sent you any more requests to pay this account?

3 A. No.

4 Q. And do you recognize the amount of money that
5 the total balance due that's indicated on that?

6 A. Yes. 759.76.

7 Q. Is that the amount of money that
8 Missouri-American claims that you owe on your account?

9 A. Yeah, that's correct.

10 Q. What is your position as far as whether you
11 owe that money?

12 A. I don't.

13 JUDGE JACOBS: Would you like that collection
14 letter to be included in the record in this case?

15 MR. HARRIS: Yes.

16 JUDGE JACOBS: So that would be offered as
17 Exhibit 4. Are there any objections from any party?
18 I'm not seeing any objections.

19 MS. HERNANDEZ: No objection.

20 JUDGE JACOBS: No objections from Staff or
21 from the Company. So Exhibit 4 will be admitted.

22 (EXHIBIT 4 WAS RECEIVED INTO EVIDENCE AND MADE
23 A PART OF THIS RECORD.)

24 JUDGE JACOBS: Okay. Also, Mr. Harris, I
25 would like to apologize to you. I believed that some

1 audio was coming off of your line. In fact, it was not.
2 So my apologies to you and your wife for that.

3 BY JUDGE JACOBS:

4 Q. Okay. The next thing I wanted to talk to you
5 about was also on January 5 you submitted a couple
6 letters with your filing, and one of them has a
7 handwritten note of 8/28/20. The other one has a
8 handwritten note of 9/30/2020. Were you able to find
9 those photos there?

10 A. Yes.

11 Q. Okay. All right. So let's talk about the
12 image that has the handwritten note of 8/28/20. Did you
13 locate that?

14 A. Yes, I do.

15 Q. It looks like it was taken with a cell phone?

16 A. That's right.

17 Q. Okay. Do you know who took the picture, sir?

18 A. Yes, Cicely.

19 Q. Okay. And do you know what date this picture
20 was taken?

21 A. 28 -- 8/28/20.

22 Q. How was that picture provided to you?

23 A. She sent an email.

24 Q. So the picture was provided to you by email?

25 A. Yes.

1 Q. And when was it given to you?

2 A. On 9/30. Well, she sent the picture off on
3 8/28.

4 Q. Okay. She sent it to you on 8/28 by email or
5 some other way?

6 A. It was by her smart phone.

7 Q. Did it go -- Did it actually arrive on your
8 phone or did it arrive in your email or both?

9 A. It arrived on my wife's phone. She generally
10 does that.

11 Q. Okay. And can you tell us what the picture
12 shows?

13 A. Shows a picture of the meter.

14 Q. Did you ask anyone to take a picture of the
15 meter? I'm assuming this is the meter in the Garham
16 house; is that right?

17 A. Garham, yes, that's correct.

18 Q. Garham. Thank you. So it's a picture of the
19 meter in the Garham house which is in St. Louis,
20 correct?

21 A. That's right.

22 Q. Did you ask Ms. Tucker to take a picture of
23 the meter?

24 A. Yes, I did.

25 Q. Why did you do that?

1 A. Because after I got this bill she was taking
2 pictures of the meter so that I'd know exactly what was
3 on the meter at any time. So this is not only the first
4 picture but this is the last picture that she took
5 before they turned the water off.

6 Q. Okay. There's another picture that's dated
7 September 30, 2020, which is about a month later; is
8 that right?

9 A. That's correct.

10 Q. So who took that picture?

11 A. She did. Cicely took it.

12 Q. And on what day did she take it?

13 A. 9/30/20.

14 Q. Did you ask her to do that?

15 A. Yes, I did.

16 Q. And how did she send you the picture?

17 A. She sent it through her smart phone.

18 Q. And did she send it to your wife's smart
19 phone?

20 A. Yes, I think she did.

21 Q. What is your wife's name?

22 A. Bonita.

23 Q. Is that Bonita Harris?

24 A. Yes, that's correct.

25 Q. Thank you, sir. So these are two pictures

1 that were taken by Cicely Tucker of the meter in the
2 basement of the Garham house in St. Louis; is that
3 right?

4 A. That's correct.

5 JUDGE JACOBS: Okay. And would you like the
6 Commission to be able to review these images to decide
7 this case?

8 MR. HARRIS: Yes.

9 JUDGE JACOBS: So these two pictures would be
10 offered onto the record as Exhibit 5. Is there any
11 objection? Ms. Bretz has indicated no objection for
12 Staff. Ms. Hernandez?

13 MS. HERNANDEZ: No objection.

14 JUDGE JACOBS: Thank you very much. Those
15 images will be admitted as Exhibit 5.

16 (EXHIBIT 5 WAS RECEIVED INTO EVIDENCE AND MADE
17 A PART OF THIS RECORD.)

18 JUDGE JACOBS: I have a few more documents to
19 ask Mr. Harris about. Is there anyone who needs a break
20 at this time or should we proceed and try to finish up
21 with these documents?

22 MR. HARRIS: I'll take a break.

23 JUDGE JACOBS: Okay. So we are going to take
24 a 15-minute break. That will bring us back at 10:50
25 a.m. Is that going to work for everyone, 15 minutes?

1 MR. HARRIS: Yes.

2 JUDGE JACOBS: Everyone, we are off the record
3 until resuming at 10:50 a.m. Thank you very much.

4 (Off the record.)

5 JUDGE JACOBS: Hello, everybody. We can now
6 get back on the record. It is 10:51 a.m. We will go
7 back on the record in our hearing in WC-2021-0129. I
8 was asking some requests of Mr. Harris in regard to some
9 documents that he had filed in this case. So we'll
10 proceed with that.

11 BY JUDGE JACOBS:

12 Q. And Mr. Harris, I believe where we were was I
13 was just about to ask you about another statement that
14 you had submitted to the record that had a billing date
15 of October 8, 2020.

16 A. Okay.

17 Q. And do you remember this is the statement
18 where someone had circled 695E on the statement. This
19 was submitted by Mr. Harris on January 5. It has a
20 billing date of October 8, 2020. The total amount due
21 shown on the statement is 759.76 or \$759.76. So have
22 you located that, sir?

23 A. Okay, yes.

24 Q. Okay. And did you find the part of the
25 statement that says meter reading and usage summary?

1 It's the part of the statement that shows the meter
2 reads and the period that service was provided.

3 A. Okay.

4 Q. Did you find that?

5 A. Okay.

6 Q. So does that mean you found it, sir?

7 A. What was it again?

8 Q. It's a monthly statement. It shows a total
9 amount due of \$759.76.

10 A. Okay.

11 Q. It says the payment is due by October 30,
12 2020. Based on my understanding of this case, it would
13 have been the last or one of the very last statements
14 you would have received from the Company --

15 A. Okay.

16 Q. -- after disconnection. The documents
17 submitted to the Commission in your filing circles the
18 current read on the statement.

19 A. 759.76 is what you were saying, right?

20 Q. Yes.

21 A. Yeah.

22 Q. The billing date is October 8, 2020.

23 A. I have October 30.

24 Q. That's the payment due date. So maybe you
25 have the right one.

1 A. Okay.

2 Q. Have you found on that statement where the
3 meter reads are indicated?

4 A. No, I don't have that portion.

5 Q. Did you have -- go ahead.

6 A. I just have October 30, 2020, and I see
7 billing of \$212.85.

8 Q. And that would be the statement for the second
9 high water bill that you've received from the Company;
10 would you agree with that?

11 A. Is that for 81,533 gallons?

12 Q. Sure is. That's what my copy indicates.

13 A. Right.

14 Q. Okay. So looks like you're looking at where
15 the meter reads are stated?

16 A. Yes.

17 Q. Okay. Did you see what it says under the
18 current read?

19 A. 695 estimate.

20 Q. Okay. Did you have anything that you wanted
21 to tell the Commission about that?

22 A. Yeah, that's not true either. Even if it's an
23 estimate, it's way more water than I've used.

24 Q. Okay. So did you want this October 8, 2020
25 statement to be part of the record?

1 A. Yes.

2 JUDGE JACOBS: So that statement will be
3 offered into evidence as Exhibit 6. Is there any
4 objection?

5 MS. HERNANDEZ: No.

6 JUDGE JACOBS: No objection from Staff. I'm
7 sorry. I ran over the Company, Ms. Hernandez, who has
8 also indicated no objection. I apologize. So Exhibit 6
9 will be admitted.

10 (EXHIBIT 6 WAS RECEIVED INTO EVIDENCE AND MADE
11 A PART OF THIS RECORD.)

12 BY JUDGE JACOBS:

13 Q. Sir, on January 28 of this year you submitted
14 a single document. Do you remember sending in a
15 Metropolitan St. Louis Sewer District bill history?

16 A. Yes, I do.

17 Q. Okay. And why did you want the Commission to
18 see that?

19 A. Well, there was no indication there of a high
20 water usage by the Metropolitan Sewer District which is
21 actually -- it's not part of the Missouri-American Water
22 but they notify them of the water used.

23 Q. Okay. So was it your understanding that there
24 should be some relationship between your sewer bill and
25 your water bill?

1 A. Yes, because the water company tells the sewer
2 company how much water passed through because they have
3 no way of knowing.

4 Q. Okay. So would you like this to be included
5 in the record in this case, sir?

6 A. Yes.

7 JUDGE JACOBS: So that is the document that
8 was filed on January 28 in this case and that would be
9 admitted as Exhibit 7. Is there any objection from any
10 party? Hearing no objections, Exhibit 7 will be
11 admitted to the record.

12 (EXHIBIT 7 WAS RECEIVED INTO EVIDENCE AND MADE
13 A PART OF THIS RECORD.)

14 BY JUDGE JACOBS:

15 Q. That takes us to the documents that Mr. Harris
16 filed on March 1 of this year. So this filing includes
17 a couple of billing statement excerpts and we touched on
18 this earlier. So we'll make another run at it. But it
19 was just one page from two different billing statements.
20 The first one was for service from February 5, 2019 to
21 May 2, 2019. And my understanding is that would have
22 been the last bill before Mr. Harris received the very
23 large bill in August 2019. Mr. Harris, this is the bill
24 that we had discussed that indicates a reading of
25 126A --

1 A. Right.

2 Q. -- previously and a current read of 126A?

3 A. That's correct.

4 Q. And you submitted this to the Commission. Can
5 you tell us why you wanted the Commission to see this?

6 A. Yes. Because first off the billing of 2/5
7 through 5/2/2019, it shows a current read of 126A and a
8 previous read of 126A. It shows zero water usage.

9 Q. Do you have any reason to believe that that is
10 incorrect for any reason?

11 A. No, I don't have any reason that it's not
12 correct.

13 Q. Okay.

14 A. But what I do have a problem with is that I
15 don't understand how Missouri Water Company could have
16 possibly had a previous reading on the next statement of
17 126 actual and then 583 actual. How did they do that?

18 Q. Really that's a question of how did it go from
19 126 to such a high number and a high number of units of
20 water being used in a quarter?

21 A. That's correct.

22 Q. Okay. The next statement that you included
23 here was the one from August 1, 2020 to October 7, 2020,
24 and this would appear to be your last bill with
25 Missouri-American after water service was disconnected.

1 Are you familiar with this document?

2 A. Yes, I have it here.

3 Q. Okay. And so what are the meter readings that
4 are indicated on that just to confirm we're looking at
5 the same document?

6 A. 586 actual and 695 estimate.

7 Q. Okay. So would you like the Commission to be
8 able to review these excerpts from these statements to
9 determine this case, sir?

10 A. Yes.

11 JUDGE JACOBS: So these billing statement
12 excerpts would be admitted to the record as Exhibit 8.
13 Is there any objection from any party?

14 MS. HERNANDEZ: No objection.

15 JUDGE JACOBS: Thank you. Hearing no
16 objection, Exhibit 8 will be admitted.

17 (EXHIBIT 8 WAS RECEIVED INTO EVIDENCE AND MADE
18 A PART OF THIS RECORD.)

19 JUDGE JACOBS: This takes us to the last
20 documents that Mr. Harris had submitted to the
21 Commission in this case which would be some photographs.

22 BY JUDGE JACOBS:

23 Q. Mr. Harris, it would appear that on March 1 of
24 this year you submitted, I'm just counting them again,
25 it looks like seven images that you submitted with a

1 notation of February 14, 2021 indicated next to the
2 images in handwriting. Do you have those images
3 available there or do you recall what they were?

4 A. I think it probably might have been, I'm not
5 positive, but a copy of the meter?

6 Q. This is what I'm talking about, seven pictures
7 that were mailed in.

8 A. Oh, yeah.

9 Q. Do you have those pictures at all available to
10 you or any copies of what you sent in?

11 A. No, I don't have them right away. I don't.

12 Q. Are you familiar with them?

13 A. Yes, I am.

14 Q. Do you remember submitting seven images in
15 this case to the Commission?

16 A. Yes, I do.

17 Q. Okay. So let's talk about the pictures. The
18 first picture is labeled door to laundry room?

19 A. Yes, that's correct.

20 Q. Okay. Door to laundry room. Where did you
21 receive these images? Did you take them yourself or did
22 someone send them to you?

23 A. No. Cicely took those pictures at my request.

24 Q. When did you ask -- You're referring to Ms.
25 Cicely Tucker; is that right?

1 A. Yes.

2 Q. When did you ask Ms. Tucker to take these
3 pictures?

4 A. On about the time that I sent them to you.

5 Q. So they were submitted to the Commission on
6 March 1 and they have a handwritten notation of February
7 14, 2021?

8 A. Right.

9 Q. When did you ask Ms. Tucker to take the
10 pictures?

11 A. I don't remember the date but --

12 Q. Was it after you filed a formal complaint with
13 the Commission in November of 2020?

14 A. Yes.

15 Q. And how did you receive the pictures that Ms.
16 Tucker sent you?

17 A. She smart phoned them to me.

18 Q. She sent them by smart phone?

19 A. Yes.

20 Q. Who received them? What phone were they
21 received on?

22 A. I think my wife's phone.

23 Q. Do you know if they're still on your wife's
24 phone?

25 A. I'm not sure about that.

1 Q. Do you -- How did you get them off the phone
2 and submit them to the Commission?

3 A. By printer.

4 Q. So did you print them at home?

5 A. Yes.

6 Q. So it's difficult to talk about images if you
7 don't have images. We can try to talk about them
8 specifically or -- I mean, we can do the best that we
9 can. It would be better if you had these pictures. Do
10 you know if your wife still has them on her phone or if
11 you have copies of them that you made?

12 A. Let me see.

13 Q. Wait. Let me ask you one more question before
14 you go off to do that. Have you used the Commission's
15 internet file system for any of the documents in this
16 case?

17 A. No.

18 Q. Have you looked at any of your documents that
19 way?

20 A. No, I haven't, no.

21 Q. Do you have email available to you where you
22 are right now?

23 A. Yes.

24 Q. If I were to send you the images in an email
25 message, would you be able to open it up and look at it?

1 A. Yeah. I'm looking to see if I have those on
2 file.

3 JUDGE JACOBS: Thank you, everyone, for your
4 patience while we give Mr. Harris an opportunity to look
5 for these documents.

6 MR. HARRIS: Okay. You can email me and I'll
7 look at them because I don't know if I have them all.

8 BY JUDGE JACOBS:

9 Q. I'm preparing a pdf file that I would be able
10 to send. Mr. Harris, are you comfortable sharing your
11 -- I think there is an email address on file in this
12 case for you. If I remember correctly, it includes --
13 I'm not going to provide it in public. It includes wild
14 bill as part of it; is that correct?

15 A. Yeah, Harris wild bill.

16 Q. I'm trying to avoid putting your full email
17 address in a public record. So if the one that includes
18 that term is your current email, that is what I will use
19 to send this to you and the parties. Okay? Because
20 this transcript is a public record at this point. We
21 haven't gone into a private session. So just one moment
22 here and I'm going to email that document to the parties
23 so we can all look at these pictures together. Okay?
24 Mr. Harris, you'll be able to pull up the email and look
25 at it? Sir, that was a question. You'll be able to

1 pull up an email and look at the email --

2 A. Yes.

3 Q. -- if I send it to you?

4 A. Yes. Open my --

5 JUDGE JACOBS: I apologize to everyone for the
6 delay. So I did send that message with a pdf
7 attachment. I got an indication that it was a fairly
8 large attachment. So if anyone doesn't receive it in a
9 minute, anyone who has access to EFIS can simply go to
10 the March 1 filing and they can receive it. We just
11 need to confirm that Mr. Harris has received it. Its
12 title is Documents for Hearing and the documents are
13 attached as a pdf. If any of the parties will speak up
14 when they see it in their email inbox. That will at
15 least let me know if it did successfully go. Ms. Bretz,
16 does that mean that you've seen it or no?

17 MS. BRETZ: Yes, I received it. Thank you.

18 JUDGE JACOBS: Ms. Bretz has received it.

19 MS. HERNANDEZ: I just received it, Judge.

20 JUDGE JACOBS: Okay. So Ms. Hernandez has
21 received it. So we know it's getting out externally.
22 Mr. Harris, are you able to check your email? Mr.
23 Harris, can you hear me?

24 MR. HARRIS: I got it now.

25 BY JUDGE JACOBS:

1 Q. So did you receive an email message with an
2 attachment?

3 A. Yes.

4 Q. Okay. So are you able to see the images that
5 are included in that attachment, sir?

6 A. Yes, I see them.

7 Q. Okay. So the first image which has number one
8 handwritten next to it and the date 2/14/21, it also has
9 a handwritten notation. Can you read what that is?

10 A. No, I can't. Where was it at now?

11 Q. Okay. So are you using a phone to review
12 these images?

13 A. Yeah.

14 Q. Do you not have email on the computer that
15 you're using for this hearing today?

16 A. Not on this computer.

17 Q. You don't have email on it. Okay.

18 A. I've got it on my cell phone. Now, if I go to
19 my other computer, I could probably pull that up.

20 Q. So apparently you used a printer at home to
21 print images, is that right, to submit to the
22 Commission?

23 A. Yes.

24 Q. Okay. Are you able to print what I just sent
25 you so that you can look at it that way?

1 A. I can see the pictures.

2 Q. You can see the pictures?

3 A. Yes.

4 Q. So what's the first picture you can see?

5 A. It's the door to the laundry room.

6 Q. And once again, as I said before, only one
7 person can testify at a time. So do you want to
8 describe what we can see in this picture?

9 A. Yeah. You see the door to the laundry room.
10 There's a blue tub on one side which is on the left-hand
11 side and then there's a door opening to the shower room.
12 That's number one.

13 Q. Okay. What did you want to show the
14 Commission with this image?

15 A. That that was an entrance to where the meter
16 is.

17 Q. And where is the meter in this picture?

18 A. You can't see it here.

19 Q. Okay. Is it behind the closed door?

20 A. Yes, it is.

21 Q. Okay. And what does the open door open into?

22 A. That's to the bathroom.

23 Q. Okay. And it's an open bathroom?

24 A. Yes, that's correct, but it has a door to it.
25 It's just open.

1 Q. It's just open. Okay. I can see what looks
2 like a hose on the floor in the entryway. What is that?

3 A. That's a drain.

4 Q. What is it draining?

5 A. Water from the air-condition.

6 Q. Is that an air-conditioning unit that's
7 sitting there to the lower right of the image?

8 A. No, it comes around and goes that way. It
9 comes out of behind the closed door where the
10 air-conditioning unit is.

11 Q. Okay. What is this white appliance that's
12 sitting on the floor on the right side?

13 A. That's a humidifier.

14 Q. Is it a humidifier or a dehumidifier?

15 A. Dehumidifier.

16 Q. So it removes moisture from the air?

17 A. That's correct.

18 Q. Is there anything else you want to point out
19 about this picture?

20 A. No, that's it.

21 Q. And once again, could you tell us who took
22 this picture?

23 A. Cicely by my request.

24 Q. Okay. And then can you advance to the next
25 picture, sir?

1 A. That's the door open to the laundry room.

2 Q. So that's the laundry room?

3 A. Yes. That's the opening to the laundry room,
4 right.

5 Q. Okay. And why did you want us to see that
6 picture or the Commission to see that picture? What is
7 that showing us?

8 A. It's showing that you have to enter through
9 the laundry room to get to the other closet which you'll
10 see just a picture of it.

11 Q. Okay. And these are pictures of the basement
12 of your house --

13 A. Yes.

14 Q. -- in Garham Drive; is that right?

15 A. Yes.

16 Q. So do you want to advance to the third
17 picture, please, sir?

18 A. That's the door to the closet where the meter
19 is.

20 Q. And is this closet inside the laundry room?

21 A. Yes, it is.

22 Q. Okay. So here it shows the door closed?

23 A. That's right.

24 Q. Is there anything else you want to point out
25 about this picture which is marked number three?

1 A. No.

2 Q. You want to advance to the next picture, sir?

3 A. Now that's inside the closet.

4 Q. So this is if you open the closet door --

5 A. Yes.

6 Q. -- one of the things you will see is this

7 meter?

8 A. That's right.

9 Q. Okay. Is this your water meter?

10 A. That's right. Now that slot that you see
11 there is what was cut out so that I could turn the water
12 off and also you could see the meter.

13 Q. And when was that slot cut out?

14 A. 2005. The closet itself was put in in 2005.

15 Q. Is there anything else you want to point out
16 about this picture?

17 A. No.

18 Q. So one thing I've noticed is that it looks
19 like there's a couple different sets of images. The
20 first picture that -- or the second picture is 20 of 27.
21 This is 23 of 27. Number three is 19 of 19. Do you see
22 that, sir?

23 A. Yeah, I see them.

24 Q. Okay. Do you have -- Is there a reason why
25 these pictures are in separate groups of pictures?

1 A. Yeah. I wanted you to see that there was no
2 water or condensation there for the 400 and some gallons
3 of water that was supposed to be in my basement.

4 Q. This picture that's marked number four, who
5 took this picture?

6 A. Cicely.

7 Q. And do you know when the picture was taken?

8 A. When I sent everything in.

9 Q. So after you filed your complaint in November
10 but before this was filed on March 1?

11 A. Yeah.

12 Q. Could you answer yes or no for me, please?

13 A. Yes.

14 Q. Thank you very much. All right. And then
15 advancing to number five, can you tell us what that
16 picture depicts?

17 A. Yeah, that's another picture of the basement
18 showing that there's no condensation of water or
19 anything in that basement or hasn't been any water or
20 condensation in that basement.

21 Q. And do you want to advance to number six and
22 tell us what we're looking at there?

23 A. Yeah. That's a picture of where the couch is
24 and you'll see a flower there and there's -- you may not
25 be able to make it out but my fireplace set is there.

1 Q. This was also taken by Ms. Tucker?

2 A. That's correct.

3 Q. And then would you like to advance to number
4 seven and tell us what we're looking at there?

5 A. Yeah, that's my pool table and you can see
6 there there's no water or has been any water on the
7 floor there.

8 Q. Okay. So now we've looked at these pictures.
9 Did Ms. Tucker take all of these pictures, sir?

10 A. Yes, she did.

11 Q. Were you present when she took them?

12 A. No.

13 Q. Do you know if anyone else was present when
14 she took these pictures?

15 A. I don't think so. You can probably ask her.

16 JUDGE JACOBS: Okay. So would you like the
17 Commission to review these photos to make a decision in
18 this case?

19 MR. HARRIS: Yes.

20 JUDGE JACOBS: So these group of seven images
21 would be admitted to the record as Exhibit 9. Is there
22 any objection from any party? I'm sorry. Did someone
23 speak up? So Exhibit 9 will be admitted to the record.

24 (EXHIBIT 9 WAS RECEIVED INTO EVIDENCE AND MADE
25 A PART OF THIS RECORD.)

1 JUDGE JACOBS: Okay. So I believe that we
2 have now discussed with Mr. Harris all the documents
3 that he has filed in this case. I do have some
4 questions to ask Mr. Harris. So we can get started with
5 your answering some questions, Mr. Harris, if you are
6 able to proceed with that at this time.

7 MR. HARRIS: Yes.

8 BY JUDGE JACOBS:

9 Q. All right. Let me find my notes and we will
10 get going. Okay. So Mr. Harris, did you want your
11 address to be confidential in this case for the Garham
12 house or is it okay with you if it appears in a public
13 record? I would be concerned because your testimony is
14 that the house is empty most of the time.

15 A. Well, I have a burglar alarm on it and I also
16 have Arlo cameras there.

17 Q. Let's talk about your security system and your
18 alarm in greater detail later on. I think the best
19 practice would probably be for the address to remain
20 confidential if possible.

21 A. That's fine.

22 JUDGE JACOBS: So we're going to go in camera
23 to answer a couple questions here and then we will come
24 out. That means that I'm going to -- You don't have to
25 do anything, but I'm pulling people into a session where

1 our court reporter will do an in-camera session with us.
2 Okay?

3 MR. HARRIS: Okay.

4 JUDGE JACOBS: Ms. Bentch, if you can just
5 confirm with us that your audio is working as soon as
6 you can, then I'll know that this is working. Did I
7 bring Mr. Harris with us?

8 MS. HERNANDEZ: Mr. Harris may not know. I
9 had to click on another button saying join another
10 meeting. He may not know to do that.

11 JUDGE JACOBS: This will be good practice for
12 this. I apologize. I'm going to end this session.
13 I'll instruct him and we'll try again. I apologize.
14 Mr. Harris, can you hear me, sir?

15 MR. HARRIS: Yes, I can.

16 JUDGE JACOBS: So what I attempted to do was
17 to pull everyone into a private session. You probably
18 got something that popped up on your screen that invited
19 you to join that session. Did you see something like
20 that?

21 MR. HARRIS: Yes, I did.

22 JUDGE JACOBS: So when you see that, please
23 agree to join the session by clicking join now. Ms.
24 Hernandez or Ms. Bretz, what was it that you saw when
25 you were asked to join the session?

1 MS. HERNANDEZ: I recall it saying something
2 like you've been invited to join an in-camera session.
3 It says join now and it's a green button.

4 JUDGE JACOBS: What we have to do in this
5 case, this is a public hearing. If we're going to talk
6 about anything that needs to be kept confidential, we're
7 going to go into a separate session. Okay? When I do
8 that, Mr. Harris, you'll have to click join now so that
9 you can join us. Your testimony is essential for this
10 session. So we need you to join us.

11 What I'm going to do is I'm going to try that
12 again. If you will please indicate join when that
13 message comes up. I apologize that I did not warn you.
14 We haven't done that that many times. I wasn't
15 completely sure how well it would work. So hopefully
16 this time when you get that message click to agree to
17 join and that will bring you in.

18 MR. HARRIS: Okay.

19 JUDGE JACOBS: All right. I cannot bring any
20 callers in on that. It doesn't work that way. We will
21 have all of our essential people in the session. I'm
22 going to try that again now. Here we go.

23 (In-camera session.)
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1 (In-camera session.)

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25 (REPORTER'S NOTE: At this point, public

1 session resumed.)

2 JUDGE JACOBS: Okay. It appears to me that we
3 all have arrived back into the regular proceeding. we
4 are no longer in an in-camera session. We can go back
5 on the record in a regular proceeding, and Ms. Bentch,
6 it looks like we're okay. So we can proceed. All
7 right. So we'll just refer to the property as the
8 Garham house or the Garham Drive house on the record
9 going forward.

10 BY JUDGE JACOBS:

11 Q. So Mr. Harris, it appears that
12 Missouri-American has billed you for two periods of time
13 when your water usage was indicated to be much greater
14 than usual at the Garham Drive address; is that correct?
15 Looks like you're muted, sir.

16 A. Yes, that's correct.

17 Q. Okay. And would that first period of time be
18 from May 3, 2019 through August 1, 2019?

19 A. Yes, that's correct.

20 Q. Okay. And then the stipulation of facts in
21 this case indicates that all the parties have agreed
22 that service was disconnected to the Garham Drive house
23 on September 29, 2020?

24 A. That's correct.

25 Q. Okay. And so the second period of time when

1 there was higher than usual billing for water usage at
2 the Garham Drive house was August 1, 2020 through
3 disconnection on September 29, 2020?

4 A. That's correct.

5 Q. Is that correct?

6 A. Yes.

7 Q. All right. So now I'm going to ask you some
8 questions about the house on Garham Drive, okay?

9 A. Okay.

10 Q. Do you happen to know the square footage of
11 that house, sir?

12 A. Not really. I think it's 16 or 1,800 square
13 feet, somewhere in that area.

14 Q. Okay. How many bedrooms does the house have?

15 A. Three.

16 Q. Does it have any nonconforming bedrooms or
17 anything like that downstairs?

18 A. No.

19 Q. How many bathrooms do you have in that house?

20 A. Three.

21 Q. And does each bathroom have a shower or a
22 bathtub?

23 A. No. Just one has a bathtub, one in the
24 basement is a shower and the other is a half bath.

25 Q. So do you have -- Do I understand you

1 correctly that you have one bathtub and one shower?

2 A. That's correct.

3 Q. And how many toilets are in the Garham Drive
4 house?

5 A. Three.

6 Q. Three. And do any of the bathrooms have a
7 double sink?

8 A. No.

9 Q. Does each bathroom have a bathroom sink?

10 A. Yes.

11 Q. So that would be a total of three sinks?

12 A. That's correct.

13 Q. Okay. What about your kitchen set-up?

14 A. That has a double sink.

15 Q. Meaning just an ordinary two-basin sink that
16 you see in most kitchens?

17 A. That's correct.

18 Q. Okay. And do you have a dishwasher hooked up
19 at the kitchen on Garham Drive?

20 A. Yes, there is a dishwasher.

21 Q. Was there a dishwasher there in 2019?

22 A. Yes.

23 Q. Was there a dishwasher there in 2020?

24 A. Yes.

25 Q. Did it work?

1 A. Yes, but I never used it.

2 Q. Okay. Do you have a water softener installed
3 at the house?

4 A. No.

5 Q. Have you ever had a water softener installed
6 at the house?

7 A. No.

8 Q. Do you have a washing machine hooked up at the
9 house?

10 A. Yes.

11 Q. Did you have one there in 2019?

12 A. Yes.

13 Q. Did you have one there in 2020?

14 A. Yes.

15 Q. Was it functional?

16 A. Yes.

17 Q. Do you have any jetted tubs or large bathtubs?

18 A. No.

19 Q. Do you have a hot tub?

20 A. No.

21 Q. Have you ever had either of those things at
22 the Garham Drive house?

23 A. No.

24 Q. Staff's report indicates you don't have a
25 swimming pool at Garham Drive; is that right?

1 A. That's correct.

2 Q. Okay. From the pictures that you've showed us
3 it looks like your house on Garham Drive is furnished,
4 there's still furniture in there so people can come in
5 and live there; is that right?

6 A. That's correct.

7 Q. So are there beds in the bedrooms?

8 A. Yes.

9 Q. And linens and things so people can take --

10 A. Oh, yeah, fully furnished all the things that
11 are necessary.

12 Q. Okay. So your kitchen has the utensils people
13 need to cook and eat there?

14 A. Yes.

15 Q. Do you have a refrigerator in the Garham Drive
16 house?

17 A. Yes, I do.

18 Q. Do you keep it running?

19 A. Yes, I do.

20 Q. And do you maintain other utilities to the
21 Garham Drive house?

22 A. Gas and electric.

23 Q. Gas and electric. Okay. Do you have phone
24 service at the Garham Drive house?

25 A. Yes, I do.

1 Q. And is that the 314 area code number that you
2 previously provided?

3 A. That's correct.

4 Q. Do you have cable service at the Garham Drive
5 house?

6 A. Yes, I do.

7 Q. Do you have --

8 A. It's not cable. It's satellite.

9 Q. Sorry. I was just going to ask or satellite
10 TV. You have satellite television service at the Garham
11 Drive house?

12 A. Yes, that's correct.

13 Q. Okay. Have you looked at your utility
14 expenses at Garham Drive other than water?

15 A. Well, I get a bill every month on each one of
16 them.

17 Q. And did you evaluate if there were any changes
18 in your expenses for gas or electric at Garham Drive in
19 2019?

20 A. Oh, yeah. If it's in the summertime, quite
21 naturally the air-conditioner is higher, the electric
22 bill. In the wintertime, the gas bill is higher and
23 it's lower in the summertime.

24 Q. Okay. So is there a reason why you are
25 air-conditioning a house that's unoccupied?

1 A. Yeah, to keep the mold down and just to
2 basically keep the home, you know, in an orderly
3 condition so there would be no problems whatsoever.

4 Q. Okay. I can understand certainly why you
5 would want to heat the house. Obviously you don't want
6 broken pipes. So you're going to keep some level of
7 heating. I certainly resent my air-conditioning bill.
8 So I'm just surprised to hear that a house that isn't
9 occupied is air-conditioned.

10 A. But you don't want to have that house so hot
11 that it destroys some of your furniture or whatever.

12 Q. So do you -- What are your settings for
13 air-conditioning?

14 A. I don't know exactly, but it's not to the
15 point where it's really really cold or anything like
16 that. It just maintains a particular temperature that
17 keeps the house from depreciating, you know. It's just
18 the way you should do it.

19 Q. Okay. And what's your air-conditioning system
20 like? Is it central air-conditioning?

21 A. Yes, central air.

22 Q. The whole house gets central air?

23 A. That's correct, central air and regular
24 heating, yes.

25 Q. Okay. And then we talked about a hose that

1 was visible in the basement that had something to do
2 with air-conditioning?

3 A. Well, that's the runoff from the
4 air-conditioning, yes.

5 Q. Okay. So that's going to a drain there in
6 your basement?

7 A. That's correct.

8 Q. Okay. So at some point you learned that you
9 had a very high bill in August of 2019 from
10 Missouri-American; is that right?

11 A. Yeah, it's prefabricated, yes, I did.

12 Q. Okay. And when you got that bill, did you
13 look at your other utility expenses for the same time?

14 A. All the time, everytime. I get the bill I pay
15 them, yes.

16 Q. Did you notice any differences in those
17 expenses?

18 A. The only expenses that I got was anything like
19 -- Nothing like Missouri-American Water, no.

20 Q. So understanding that any changes you saw were
21 not as extreme as what you observed with
22 Missouri-American, did you notice increased electric
23 charges --

24 A. No.

25 Q. -- corresponding to those same periods?

1 A. No.

2 Q. You didn't?

3 A. No.

4 Q. Did you examine those bills for that very
5 purpose?

6 A. Not for the purpose because they generally run
7 about the same all the time.

8 Q. Okay. All right. Does your house have a yard
9 with grass, sir?

10 A. Yes.

11 Q. When I say "your house," I mean the Garham
12 Drive house.

13 A. I understand.

14 Q. Okay. Do you want to just describe that lot
15 to us and what the yard is like?

16 A. Well, it's made like a trapezoid. You
17 understand what a trapezoid is?

18 Q. I don't. But you can keep describing it.

19 A. Okay. Well, the backyard is not as large as
20 the front yard. So it's almost like -- almost like a
21 triangle but it's a trapezoid. So that means that
22 it's --

23 Q. Okay.

24 A. And I have bermuda grass on it. I mean, I'm
25 sorry. Zoysia, it's Zoysia grass. It doesn't require

1 water.

2 Q. Okay. So do you not need to water your lawn
3 or do you ever water your lawn?

4 A. Never.

5 Q. Never water it?

6 A. No, it doesn't need water.

7 Q. Do you have other plantings on the grounds
8 that you do water? Any bushes or trees or anything
9 else?

10 A. No, I don't have any trees on my property at
11 all.

12 Q. Do you have garden hoses at the Garham house?

13 A. Yes, I do.

14 Q. So what are those used for?

15 A. Washing the cars.

16 Q. So do you have -- It sounds like you don't
17 water your lawn. Then you must not have any sprinklers
18 to water your lawn?

19 A. No.

20 Q. All right. And you've indicated there's no
21 garden or plantings of any kind on the property other
22 than grass?

23 A. No, right.

24 Q. No inground sprinkler system of any kind?

25 A. No.

1 Q. And you don't water the lawn?

2 A. No.

3 Q. You do keep the garden hoses at the house
4 however?

5 A. Yes, I do.

6 Q. And they are used primarily for washing cars?

7 A. That's it.

8 Q. Okay. Are there water spickets located
9 outside the house?

10 A. Pardon me?

11 Q. Are there water pickets or, you know, water
12 lines?

13 A. Yes, there are.

14 Q. How many?

15 A. Two.

16 Q. Where are they located?

17 A. One is in the front of the house and the other
18 one is in the rear of the house.

19 Q. Okay. Could you describe to me the location
20 of the one in the front of the house?

21 A. It's to the right of the drain. It's to the
22 right of the drain pipe on the right-hand side.

23 Q. Okay. Is there a garage in the front of your
24 house?

25 A. Yes, it's attached.

1 Q. Okay. And is that on the left or right side?

2 A. It's on the left side.

3 Q. Okay. So your water spicket that you're
4 describing to me is on the right side of the house on
5 the other side of the house from the garage?

6 A. Yes, that's correct.

7 Q. Okay.

8 A. In the area of the touchpad.

9 Q. Okay. Can you see the water spicket if you're
10 standing in your front yard?

11 A. Yes.

12 Q. And the one in the back of your house, where
13 is that one located?

14 A. It's on the left side in the rear of the
15 house.

16 Q. Would it be behind the garage?

17 A. Well, the garage is to the right side and the
18 garage is not -- The water is hooked up to the side of
19 the house. The garage sticks out and there's a patio in
20 the back. So it would be on the left side in front of
21 -- behind the patio.

22 Q. If you're standing in your backyard, can you
23 see the water spicket at the back of the house?

24 A. Yes.

25 Q. Is it covered by anything?

1 A. No, but there's no handle on it. I take the
2 handle off.

3 Q. When did you start taking the handles off?

4 A. I always take them off.

5 Q. What do you do with the handles when you take
6 them off?

7 A. Put them in the garage.

8 Q. Is there a reason that you take the handles
9 off?

10 A. Well, just for safety reasons. I don't want,
11 you know, to be exposed.

12 Q. Could you be more specific, sir?

13 A. Well, in the back of the house if somebody
14 wanted to use some water, they couldn't turn it on
15 without the handle on it unless they had a pair of
16 pliers or something.

17 Q. Has anything changed about the water spickets
18 located outside your house since 2019?

19 A. No.

20 Q. When you lived at the house full time, did you
21 remove the handles from the water spickets?

22 A. Yes, always.

23 Q. Have you ever had to replace those handles?

24 A. No.

25 Q. So is it true that you took the handles off

1 the water spickets because you were concerned someone
2 might hook up a hose without your permission?

3 A. Yeah.

4 Q. Did you have any reason to believe that that
5 is something that might happen in your neighborhood?

6 A. No. That's just like I have a burglar alarm
7 on my house.

8 Q. So we will talk about the security system in
9 more detail. We'll probably do that in an in-camera
10 session. Okay. Do you have a fence around your yard --

11 A. Yes, I do.

12 Q. -- at the Garham house?

13 A. Yes.

14 Q. Is there a fence in the front?

15 A. No.

16 Q. Did you have a fence around the yard in 2019?

17 A. Yes.

18 Q. And in 2020?

19 A. Yes.

20 Q. So if I understand you correctly, there's a
21 fence in the back but not the front?

22 A. That's correct.

23 Q. How many gates do you have to enter the
24 backyard?

25 A. One.

1 Q. Where is that gate located?

2 A. In the front of the house next to the garage.

3 Q. So would that be to the left of the garage?

4 A. Yes, that's correct.

5 Q. And what kind of fence do you have?

6 A. It's the -- Let me think of it. It's not a
7 picket. It's the wire fence.

8 Q. Is it chain link?

9 A. Yeah, chain link. That's what it is.

10 Q. Okay. Is it the kind of chain link that has
11 something stuck in the links --

12 A. Yeah.

13 Q. -- so that you can't see through it?

14 A. No.

15 Q. Or is it the kind of chain link with nothing
16 in the links?

17 A. No, nothing is in the link.

18 Q. Okay. So you can look through the chain link
19 to your backyard?

20 A. Yes, you can.

21 Q. Is it chain link all the way around?

22 A. No. I have -- Where the patio is in my house,
23 I have like a 10-foot fence made out of wood, treated
24 wood, and that fence goes all the way around to the back
25 of the house until it reaches the neighbors on the

1 right-hand side. It's a six-foot fence.

2 Q. You have chain link on part of your fence
3 then?

4 A. Just in the front.

5 Q. In the front, that front section with a chain
6 link gate?

7 A. Right.

8 Q. And then you've got you said a 6-foot wood
9 fence?

10 A. No, it's 10 foot on the patio side and 6 foot
11 that runs all the way around the far side until you get
12 to where the trapezoid comes in and it touches the
13 right-hand side which is the neighbor's yard.

14 Q. Okay. And do they have a fence?

15 A. They have a chain link fence also.

16 Q. So is it accurate to describe the backyard as
17 partially fenced by a wooden fence?

18 A. Yes.

19 Q. And partially fenced by chain link?

20 A. That's correct.

21 Q. Why is the fence 10 feet tall on that one
22 side?

23 A. Because my patio is there and there's a
24 neighbor next door.

25 Q. So you wanted more privacy there?

1 A. Well, it was there when I moved in. I just
2 redid it.

3 Q. The fence was there when you moved in?

4 A. Yes.

5 Q. And it was a 10-foot tall fence and you kept
6 it?

7 A. Right.

8 Q. Okay. So most of this conversation has
9 alluded to the fact that you don't live at the Garham
10 Drive house full time; is that right?

11 A. That's correct.

12 Q. And where do you currently reside, sir?

13 A. 206 --

14 Q. You don't have to provide your full address.
15 What state do you live in, sir?

16 A. Arkansas.

17 Q. What town?

18 A. Horseshoe Bend.

19 Q. Are you retired?

20 A. Yes.

21 Q. What year did you retire?

22 A. 2004.

23 Q. What kind of work did you do before you
24 retired, sir?

25 A. I was a mail carrier and then I went into

1 administration. So I retired in administration.

2 Q. So were you a postal service employee?

3 A. That's correct.

4 Q. Okay. All right. So I've looked at some of
5 the documents that have been -- well, all the documents
6 that have been filed in this case, and I noticed a
7 couple things about your statements about when you left
8 the Garham Drive house full time. So I notice that you
9 indicated in March 2005, your girlfriend moved into the
10 Garham Drive house with you?

11 A. Yes, that's correct.

12 Q. Is that accurate?

13 A. Yes.

14 Q. And then another statement that you made
15 indicated that in June 2005, you stopped living at the
16 Garham Drive house full time?

17 A. Right.

18 Q. And in July 2005, you bought a house in
19 Arkansas?

20 A. That's correct.

21 Q. And in August 2005, you moved to Arkansas?

22 A. Well, I had already moved there, yes.

23 Q. I'm sorry?

24 A. I moved in July. Actually it was July.

25 Q. Okay. So your complaint had indicated that

1 you moved to Arkansas in August 2005. Is there any
2 reason why that date would have been different?

3 A. No.

4 Q. So what would you say when did you move to
5 Arkansas full time?

6 A. I moved to Arkansas right after I bought the
7 house.

8 Q. In July of 2005?

9 A. That's correct.

10 Q. So your complaint says I have not lived at
11 apparently the Garham Drive house continuously since
12 August 2005. Do you have any idea why you said August
13 2005?

14 A. Yeah, because I wasn't there all the time.

15 Q. Okay. So it was really just two different
16 ways of providing the same time frame?

17 A. I assume it is, yes.

18 Q. Okay. Have you lived at the Garham Drive
19 house full time at any point since 2005?

20 A. No, not full time, no.

21 Q. Have you lived at the Garham Drive house for
22 longer than a week at a time since 2005?

23 A. Oh, yeah.

24 Q. Okay. So how often do you visit the Garham
25 Drive house?

1 A. Well, you know, being retired, you know, I
2 visit whenever I want, but basically it's just been
3 like, for instance, holidays, Christmas, you know, just
4 any time I wanted to.

5 Q. Okay. When you say "holidays," what holidays
6 do you mean? Do you just mean the winter holidays or do
7 you mean some other holidays, too?

8 A. 4th of July, basically around the Christmas
9 holidays. And if there was any other problems, you
10 know, like funerals or whatever.

11 Q. So family gatherings?

12 A. Yeah, death in the family, whatever.

13 Q. Okay. Has anyone lived in the Garham Drive
14 house full time for any period of time since 2005?

15 A. No.

16 Q. So you haven't given anyone permission to live
17 there for awhile?

18 A. No.

19 Q. Is anyone else using that address as their
20 permanent address?

21 A. No.

22 Q. How far is St. Louis from your home in
23 Arkansas?

24 A. About 250 miles.

25 Q. So how long does it take you to get up there?

1 A. Three and a half, four hours, depending on the
2 traffic.

3 Q. And do you typically drive, sir?

4 A. Yes.

5 Q. Does your wife visit the house without you?

6 A. She has been there, yes.

7 Q. And without you?

8 A. Yes.

9 Q. How many people lived with you in your
10 household in 2019?

11 A. In 2019, which house?

12 Q. What you would consider to be your household,
13 sir, where you reside full time.

14 A. Just me and my wife.

15 Q. And in 2020?

16 A. Same.

17 Q. Then you asked me which house. So is there
18 another household where there would be more people
19 living?

20 A. No. You're saying my house here in Arkansas
21 or the house -- What are you saying?

22 Q. I'm just trying to figure out how many people
23 you consider to be in your family that reside with you
24 full time no matter where you're living.

25 A. Just me and my wife.

1 Q. Do you have a routine when it comes to
2 visiting the house in St. Louis?

3 A. No.

4 Q. As in -- Okay. So some of the things you've
5 submitted indicate that you visit two or three weeks a
6 year?

7 A. Yes, sometimes like that, yeah.

8 Q. Okay. So are there years when you visit more
9 than that?

10 A. Once again, you know, I'm retired. I visit
11 when I want.

12 Q. Okay. That's an acceptable answer. I'm just
13 trying to make sure I understand that your answer is
14 that there is no routine for when you visit and you
15 visit whenever you want or if you typically visit at
16 certain times of the year.

17 A. Just the ones I've already told you about,
18 Christmas or if there's a family gathering or funeral.
19 But basically I'm retired. So I just do whatever I feel
20 like doing.

21 Q. So let's talk about 2019. Do you remember
22 when you visited the house in 2019?

23 A. I think it was the time when we were there for
24 the guy to come in and check the meter. I think it was
25 October, something in that area.

1 Q. In one of your letters to Missouri-American,
2 you indicated that you visited the house from June 22 to
3 June 29, 2019. So that would have been a summer visit?

4 A. Approximately, yeah.

5 Q. Was there something going on in St. Louis at
6 that time? Was there a family event or some other
7 reason why you would have been there that you recall?

8 A. No, I don't recall.

9 Q. Were there any family weddings or funerals in
10 summer or fall of 2019 in St. Louis that you would have
11 attended?

12 A. Well, I don't know but I know I had a cousin
13 that passed, and I might have went to Chicago when I
14 went through there for my cousin who was in the hospital
15 and we did spend some time up there in Chicago and we
16 came back. So I think that was the time that we might
17 have been there.

18 Q. Was that 2019 or 2020?

19 A. 2019.

20 Q. This may be a little bit easier. What about
21 2020, in the summer and fall of 2020, when did you visit
22 the house?

23 A. Haven't been there. Haven't been to St. Louis
24 in almost two years.

25 Q. So did the COVID-19 pandemic change the

1 frequency with which you were going to St. Louis?

2 A. Well, that along with the problem that I had
3 medically, yes.

4 Q. Okay. So you had some medical difficulties in
5 2020?

6 A. Yes.

7 Q. And you did not visit the house in St. Louis
8 at all in 2020?

9 A. No.

10 Q. And you're not receiving medical treatment of
11 any kind in St. Louis; you're getting it in Arkansas?

12 A. That's correct.

13 Q. Okay. So at some point in a letter written to
14 Missouri-American you indicated that you were at the
15 house in June of 2019. Do you remember that at all now?

16 A. Not really.

17 Q. Okay. When you stay at the house, who stays
18 with you?

19 A. My wife.

20 Q. Do other family members come and see you at
21 the house?

22 A. Sure.

23 Q. So do you have folks staying there overnight
24 with you?

25 A. No.

1 Q. Do you host family gatherings?

2 A. No.

3 Q. Have you given other people permission to use
4 the house in St. Louis?

5 A. No.

6 Q. Why do you maintain the satellite TV service
7 at the house that you haven't visited for months and
8 months and you haven't given anyone else permission to
9 use?

10 A. Because I use the same satellite here in
11 Arkansas.

12 Q. So you couldn't keep your satellite service in
13 Arkansas if you didn't have the St. Louis service?

14 A. Yes.

15 Q. So you're not paying any more for satellite at
16 two houses?

17 A. That's correct.

18 Q. You've indicated that you had some kind of
19 medical condition that came up in 2020 and that you're
20 not receiving any of your care for that in St. Louis?

21 A. That's right.

22 Q. Does your wife receive medical care or any
23 other appointments that cause her to need to go to St.
24 Louis?

25 A. No.

1 Q. And I asked you if you remembered any family
2 events that took you to St. Louis in 2019. So you
3 indicated you thought that a cousin had passed away and
4 you traveled up to Chicago?

5 A. That's right.

6 Q. Do you remember any other family events in
7 May, June or July 2019 in St. Louis?

8 A. No.

9 Q. What about August and September 2020?

10 A. No.

11 Q. Have you ever listed the house on Garham Drive
12 for rent?

13 A. No.

14 Q. Have you ever listed it for rental for short
15 periods of time like some people do using Airbnb or
16 other services like that?

17 A. No.

18 Q. And is there a reason why you've kept the
19 Garham Drive house for all these years? Certainly it's
20 a free country. You can choose to keep a house as long
21 as you want. I'm just wondering what your reasoning is.
22 You haven't lived there for so many years. You live in
23 Arkansas. Is there a reason you're maintaining this
24 house for all these years?

25 A. Well, the property values -- the property

1 values had risen now, but at that particular time the
2 property values in that area was not where they should
3 have been. So I wasn't going to just give my house away
4 so I kept it.

5 JUDGE JACOBS: Okay. So I do have quite a few
6 more questions that I'm going to have to ask Mr. Harris.
7 It is afternoon so we need to take a break for lunch.
8 So we are going to break for lunch now and we will come
9 back at 1:20 p.m. Okay? So that's an hour and 15
10 minute long break for lunch so I can eat lunch and do
11 some work. So I'll be back here. We will resume our
12 hearing at 1:20 p.m. We are now off the record. Thank
13 you all.

14 (Off the record.)

15 JUDGE JACOBS: Okay. Good afternoon,
16 everybody. Thanks for joining us here again. We will
17 resume and go back on the record in our hearing in Case
18 No. WC-2021-0129. We are in the midst of Mr. Harris'
19 testimony, and I have been asking him some questions
20 that he can get his testimony on the record here today
21 before we proceed to whatever cross-examination that we
22 might have. So as we get going here again, sir, I am
23 going to double back on a couple of things as we get
24 warmed up.

25 BY JUDGE JACOBS:

1 Q. So first of all, I just want to make sure that
2 I understood during the period between May 3, 2019 and
3 August 1, 2019, I believe your testimony was that you
4 visited the house during that time; is that right?

5 A. Yes.

6 Q. Okay. And you have indicated in a letter to
7 the Company that you thought you'd been there for a week
8 in June. Does that still sound right to you?

9 A. Yeah, somewhere in that area, right.

10 Q. Okay. Was that the only time that you would
11 recall having visited the house during that period from
12 May 2019 through August 1, 2019?

13 A. Right.

14 Q. I just wanted to ask, what were you doing at
15 the house at that time if you recall?

16 A. 2019 to August?

17 Q. It was in June of 2019 when you visited?

18 A. Well, I thought I told you that I went through
19 to go to Chicago.

20 Q. So it was you would have stopped in at the
21 house?

22 A. We stopped in at the house from Arkansas
23 before going to Chicago.

24 Q. So when you do that, are you preparing meals
25 at the house, sleeping at the house, taking showers at

1 the house, using the bathroom? I mean, normal living at
2 the house?

3 A. Yeah.

4 Q. Okay. So would this have been an overnight
5 stay of some kind?

6 A. I might have stayed overnight. I think we
7 drove from Arkansas to the house and then drove from
8 there to Chicago.

9 Q. Okay. And the reason I'm asking about this is
10 because your letter to the Company said that you were
11 there in June for about a week. And you would have
12 written that letter just months after that summer. So
13 the letter was written in October. So perhaps your
14 memory would have been better at the time that you wrote
15 the letter?

16 A. I don't have a problem with my memory.

17 Q. Okay. So your letter indicates that you
18 visited St. Louis for a week, but your testimony today
19 isn't consistent with that apparently. So I'm trying to
20 figure out what the difference is, what you were trying
21 to say in that letter and what you're telling me today.

22 A. Well, I don't have the letter in front of me
23 what I said, what transpired at that time.

24 Q. Okay. So I think this is the very first
25 letter that you wrote to the Company that you also

1 included with your complaint that you filed with the
2 Commission.

3 A. Okay.

4 Q. Okay. So when you filed your complaint with
5 the Commission, you included that letter?

6 A. Okay.

7 Q. Okay. But you apparently don't have the
8 letter with you at this time?

9 A. No, I don't have that. I don't think I have
10 it right now.

11 Q. All right. For the benefit of all of the
12 other parties, I am referring to Mr. Harris' complaint
13 which was filed on November 2. It is accessible in
14 EFIS. So I'm going to -- Mr. Harris, I'm going to use
15 email again to get this to you. Okay?

16 This document that I am sending has also been
17 admitted into the record as Exhibit 1.

18 A. Is it attached to the original that you sent
19 me?

20 Q. No. I have to send it to you again, and
21 unfortunately I have to work outside of my usual system
22 here to pull everything up. So it's taking me awhile to
23 make sure all the parties are included on the message.
24 The title of the message is Exhibit 1.

25 JUDGE JACOBS: As I said before for everyone

1 else who is listening to this hearing, you can find
2 exactly what has been distributed to the parties just
3 now in an email by looking at EFIS and looking at the
4 complaint filed on November 2.

5 So Mr. Harris, I did send that to you and you
6 should be receiving it in your email any minute now. It
7 will have an attachment that is the complaint that was
8 filed in this case and then I am talking to you about a
9 letter that was addressed to Missouri-American and on
10 the top it says October 12, 2019. If any of the other
11 parties want to let me know when they see that land in
12 their inbox, that will help. Thank you.

13 MS. HERNANDEZ: I received it, Judge Jacobs.

14 JUDGE JACOBS: Thank you very much. So Mr.
15 Harris, if you access to your email, you should find it
16 there.

17 MR. HARRIS: I don't have it yet. I still
18 don't have it.

19 JUDGE JACOBS: Do you want to refresh your
20 email? Is everyone able to see what I've shared on the
21 screen? Ms. Hernandez, are you able to view that?

22 MS. HERNANDEZ: Yes, Judge.

23 JUDGE JACOBS: Thank you. And Ms. Bretz, are
24 you able to see it?

25 MS. BRETZ: Yes.

1 BY JUDGE JACOBS:

2 Q. This is the document that I was hoping to
3 discuss with you, Mr. Harris, and that I have emailed to
4 you now. I'm also sharing it on my screen. It should
5 be showing up on your WebEx screen on the computer. Do
6 you see it, sir? It looks like you're muted, sir.

7 A. I have it now.

8 Q. Okay. Did you receive it in your email or do
9 you see it on the screen or both?

10 A. I see it on the screen, and I have the copy.
11 I found a copy in my letters here.

12 Q. Okay. So do you recognize this letter?

13 A. Yes.

14 Q. Okay. So do you see the second paragraph?

15 A. Yes.

16 Q. What does it say?

17 A. We were at my residence June 22, 2019 to June
18 29, 2019.

19 Q. Okay. So reading that, I understand that to
20 mean that you spent a week at the house on Garham Drive?

21 A. Yes.

22 Q. Okay. So does that help you remember what was
23 going on in June 2019 or is there anything else that you
24 want to tell us about that because your testimony
25 earlier had been that you stopped by on your way to

1 Chicago.

2 A. I think that's the time we went to Chicago.

3 Q. And in addition to going to Chicago, you spent
4 a week at the house in St. Louis?

5 A. Yeah, it had to be the time.

6 Q. Okay.

7 A. Probably when we came back. We came back is
8 what it probably was.

9 Q. Okay. Did you spend the night at the house in
10 St. Louis for a week?

11 A. Well, it might not have been a week, but it
12 was during that time, yes.

13 Q. Okay. And did you prepare your meals there?

14 A. Yeah.

15 Q. Okay. Did you take showers there?

16 A. Of course.

17 Q. And you slept there?

18 A. Yes.

19 Q. Okay. Did you do laundry there?

20 A. No.

21 Q. No. Okay. You told me you keep a washing
22 machine there. Do you use the washing machine when you
23 visit the house?

24 A. If there's any dirty laundry, sure.

25 Q. But you don't think you used the washing

1 machine when you visited at that time?

2 A. No.

3 Q. Is there any reason for that?

4 A. Well, we had clothes at the house.

5 Q. Okay. And I can only take testimony from one
6 person at a time.

7 A. Well, you know how that is. Like you were
8 saying.

9 Q. Yes. Okay. So did you have visitors come and
10 see you at the house then that summer in St. Louis?

11 A. I doubt it, no. We weren't there that long.
12 Probably went to their house instead.

13 Q. Okay. And you told us that there's a certain
14 kind of grass that you use on your lawn?

15 A. It's Zoysia.

16 Q. Yeah. So it starts with a Z?

17 A. Yes.

18 Q. Do you happen to know how that's spelled? I
19 apologize. I don't recognize it.

20 A. I think it's Z-o-y -- Z-o-r-y-a, I think
21 that's what it is, Zoysia.

22 Q. It definitely sounds like Zoysia?

23 A. Yeah, it sounds like Zoysia. It's a grass
24 that you really don't need to put water to. It only
25 turns brown in the fall.

1 Q. Okay. Did you put that grass in at that house
2 when you bought it or was it already there?

3 A. It was already there.

4 Q. Okay. So you didn't at any point do
5 landscaping and change your yard there?

6 A. No.

7 Q. Okay.

8 A. Just used, you know, for insects.

9 Q. Oh, so like some treatment for bugs?

10 A. Yeah.

11 Q. Okay. Do you have trash service at the house
12 on Garham Drive?

13 A. No.

14 Q. Did you terminate that trash service?

15 A. Yeah, we terminated that when we weren't here
16 enough to really accumulate any trash to any
17 significance.

18 Q. Okay. When did you decide to stop getting
19 trash service at the St. Louis house?

20 A. Right after we moved.

21 Q. Okay. That was as you told us in 2005?

22 A. 2005 or 2006. Either way it was somewhere in
23 that area.

24 Q. So you told us earlier that you stopped living
25 in the house in 2005 when you bought a house in

1 Arkansas?

2 A. Right.

3 Q. So when did you terminate the trash service?

4 A. It was probably 2006.

5 Q. Okay. And how is trash service provided in
6 that neighborhood? Is it a city service? Is there a
7 private company?

8 A. There's a private company that I think they
9 have a contract with the city.

10 Q. Okay.

11 A. Or with the county actually.

12 Q. Okay. And --

13 A. We live in St. Louis County.

14 Q. Okay. And when you visit the house now, what
15 do you do about whatever garbage that you generate when
16 you're there?

17 A. We either bring it back with us or we let my
18 niece have it.

19 Q. Okay. When you visited the house in June of
20 2019, did you see your niece at that time?

21 A. Yes.

22 Q. Is that Ms. Cicely Tucker?

23 A. Yeah. Andre, her husband.

24 Q. Did you see them at the house, sir?

25 A. They probably did stop in.

1 Q. Okay. So you told me that you decided to end
2 your trash service sometime after you moved out of the
3 house. It may have been in 2005, but it may have been
4 later in 2006 or so?

5 A. Yeah, because we weren't there. So we weren't
6 accumulating any trash. But I had to write a letter to
7 the trash people letting them know that we no longer
8 needed that service at that particular time.

9 Q. Okay. Did you end any other services that you
10 had been receiving at the house?

11 A. No.

12 Q. Okay. Because I did ask you earlier about the
13 other utilities and services you might have at the
14 house.

15 A. Sorry. We have internet, we have electric,
16 gas and also the phone.

17 Q. Are the internet and the phone, is that the
18 same service provider?

19 A. Yes, it is, AT&T.

20 Q. Okay. And just I don't know if I've asked you
21 this yet. I can't remember. When was the last time you
22 were in St. Louis, sir?

23 A. It was in 2019, I'm sure, because that was the
24 time when the utility man stopped by to check the meter.

25 Q. I'm going to ask you more questions in detail

1 about that. That's apparently a time when you met
2 someone from Missouri-American at the Garham Drive
3 house?

4 A. Yeah, that's right.

5 Q. Okay.

6 A. I think it was October 18, if I'm not
7 mistaken.

8 Q. And that letter that we were just looking at
9 together, I believe it actually references a visit to
10 St. Louis on October 18. I believe it's in one of the
11 last paragraphs on the first page.

12 A. Oh, yeah.

13 Q. Okay. What does that say?

14 A. I have set a date for a visit to my residence
15 on October 18, 2019. However, I plan to have Channel 4
16 Ashli Lincoln there, because there's no way I could have
17 used 400,992 gallons of water in 91 days.

18 Q. So at the time that you wrote this letter, the
19 date of it is October 12; is that right?

20 A. Yes, that's right.

21 Q. Okay. And you were planning to go to the
22 house on October 18?

23 A. Yeah.

24 Q. Was that because you had an appointment
25 already set up with the Company on October 18 or had you

1 not made that arrangement yet?

2 A. I'm sure it probably was, because I wouldn't
3 have had any reason to be there.

4 Q. Okay. And you've told us that you have
5 internet service at the house on Garham Drive. You also
6 have a phone number there?

7 A. Yes.

8 Q. A land line phone?

9 A. Yes.

10 Q. When you get calls on that phone, are you able
11 to forward those to you to your home in Arkansas or to a
12 cell phone or to another number?

13 A. No. Well, what happens is my niece, she goes
14 in there and she takes off whatever messages are there
15 and she notifies me of what is there if it's important.
16 And we have a lot of calls from Missouri-American Water
17 Company on that.

18 Q. So I mean, you have maintained the phone line.
19 You must get calls there. Your routine is to have your
20 niece listen to your calls?

21 A. Sure.

22 Q. So I'm just asking because sometimes people
23 are able to dial in to their voicemail remotely from
24 another place and listen to their messages. That's not
25 how you do it?

1 A. No, because AT&T has like a messaging service
2 for me, but I never use it. The old answering system
3 that I have I can't access it.

4 Q. So when you say that your niece is getting
5 your messages at the house in St. Louis, how is she
6 doing that? Is she using an old message system that
7 actually records it to a tape?

8 A. It's not a tape. It's just an answering
9 system that doesn't have a tape to it, but you can put
10 so many messages on it. I don't know the internal
11 workings of it, but that's the way it happens.

12 Q. All right. I'm just trying to figure out if
13 she's listening to an answering machine at your house or
14 if she's picking up the phone and dialing in to your
15 voicemail system and listening to your messages?

16 A. No. She's picking up the phone and pushing on
17 messages and it tells the messages reads off.

18 Q. She's picking up the phone and listening to
19 messages?

20 A. Yes.

21 Q. From the voicemail system?

22 A. Right.

23 Q. Okay. When you visit the house in St. Louis,
24 do you have a routine for what you do when you leave the
25 house?

1 A. Yeah. We lock it up, turn the burglar alarm
2 on.

3 Q. Is there anything else?

4 A. That's all. Make sure everything is operating
5 and turn them all off.

6 Q. What is it that you turn off when you leave
7 the house?

8 A. Make sure the water is not running in the
9 bathroom, in the kitchen, in the showers. We check all
10 those things before we lock up.

11 Q. Do you have a water shut off valve in your
12 house on Garham Drive?

13 A. Yes.

14 Q. Have you ever used that to shut off water to
15 the house?

16 A. No. If I want to shut the water off for any
17 particular reason like changing a faucet or something
18 like that, there's a shut off valve where the faucet is.
19 Same as the shower. If you want to turn the shower off,
20 you don't have to turn the whole main system off. Just
21 those individual areas that you want to turn off.

22 Q. And if you're leaving the house empty and
23 unoccupied for it sounds like long periods of time, is
24 there a reason that you don't shut off the water?

25 A. I have no reason not to shut it off -- to shut

1 it off.

2 Q. Do you have devices in your house when it is
3 unoccupied that need to have a water supply?

4 A. No, just the hot water tank.

5 Q. A lot of people shut off their hot water
6 heater when they leave a house for an extended period of
7 time so they don't have to continue to pay to heat hot
8 water over and over and over again that will never get
9 used. It sounds like you, in fact, don't do that?

10 A. No, because what it is is that the gas company
11 came out and they have it set so that, you know, it's
12 not using a considerable amount of gas to heat the
13 water.

14 Q. And then I'm just trying to figure out if
15 there's any other reason why you want to make sure that
16 there is water available on demand immediately in the
17 house if no one is there. It sounds like you haven't
18 given me a reason except that you prefer not to shut it
19 off?

20 A. There's no reason to turn it all the way off.
21 Why would I?

22 Q. You told us that you remove the handles from
23 the outdoor spickets. Why do you do that?

24 A. Well, I do that because I've been doing it for
25 years.

1 Q. And the reason that you've been doing it for
2 years is?

3 A. I don't trust people.

4 Q. And you've told us that you continue to
5 receive mail at the Garham house; is that right?

6 A. I received it because you cannot have driver's
7 license in both states.

8 Q. I'm actually -- I'm just asking you to confirm
9 whether or not you still receive mail at the Garham
10 Drive house.

11 A. Yes, I do.

12 Q. Okay. And you were doing that in 2019?

13 A. Yes. Ever since I left the house.

14 Q. And in 2020, you've continued to receive your
15 mail there?

16 A. Yes.

17 Q. Or at least I suppose some mail because you
18 must receive some mail in Arkansas as well?

19 A. It has my Arkansas address on it.

20 Q. And how do you get the mail that's delivered
21 to the Garham Drive house? I think you told me before
22 that someone takes it, sticks in an envelope and sends
23 it to you in Arkansas?

24 A. What I said was that my niece, she takes the
25 mail and she puts it in a separate envelope if I want

1 that particular mail and she forwards it to me.

2 Q. So when she gets mail at the house, does she
3 open your mail and then tell you what it is so you can
4 decide if you want it?

5 A. Yeah.

6 Q. And how frequently does that happen?

7 A. Whenever mail is accumulated.

8 Q. Is there a routine to that?

9 A. I doubt it. She picks the mail up, you know,
10 every week and she looks through it and she sends me the
11 pertinent mail. And I tell her which ones to send me.

12 Q. Are you telling me that she looks at your mail
13 every week but only sends it to you when it's necessary?

14 A. That's what she does. I tell her when she
15 calls me, and she tells me over the phone what it is and
16 I let her know if I want to receive that mail there or
17 she can pitch it, which is a lot of advertisement
18 more-so than anything else.

19 Q. And it sounds like this happens weekly, these
20 conversations?

21 A. Yeah.

22 Q. Is this how you were doing things back in
23 2019?

24 A. Yes.

25 Q. And this is how you were --

1 A. She's been doing it ever since we left.

2 Q. In 2005?

3 A. Yes. Ever since we left the house she or her
4 husband goes by and they pick up any mail that's
5 accumulated.

6 Q. And her husband --

7 A. The mail that is just advertisement or just
8 junk mail they pitch. I tell them to pitch it. And
9 anything that's pertinent, I tell them to send it.

10 Q. And the names of these folks are once again
11 Cicely and Andre Tucker; is that right?

12 A. That's correct.

13 Q. And I believe that you've referred to both of
14 them as your niece and nephew. This is a married
15 couple?

16 A. That's correct.

17 Q. Okay. So are these folks related to you by
18 blood or your wife?

19 A. Well, his wife is related to -- that is her
20 daughter. And Andre is my nephew.

21 Q. So Cicely is your wife's daughter?

22 A. Yes.

23 Q. So she's also your stepdaughter?

24 A. Okay.

25 Q. I mean, is that right? Is Bonita Harris her

1 mother? Is that what you just said?

2 A. That's correct.

3 Q. Okay.

4 A. She married.

5 Q. And she married a nephew of yours?

6 A. That's correct. And I married her mother.

7 Q. And the nephew Andre Harris is the child of
8 one of your siblings?

9 A. Yes.

10 Q. And what's that sibling's name?

11 A. Debra.

12 Q. What's her last name, if you don't mind, Debra
13 Tucker?

14 A. Yes.

15 Q. Debra Tucker is your sister, and her son is
16 Andre?

17 A. Yes.

18 Q. Harris?

19 A. No. Andre Tucker.

20 Q. I'm sorry. I apologize. That's why I have to
21 ask a lot of questions. Andre Tucker. And Cicely, who
22 is now Cicely Tucker, is the daughter of your wife
23 Bonita Harris?

24 A. That's correct.

25 Q. Okay.

1 A. She had a different husband. I had a
2 different wife before we got divorced, of course.

3 Q. Okay. Of course, of course. All right. So I
4 imagine this process for getting your mail is also how
5 you get your water bills; is that right?

6 A. That's right.

7 Q. Okay. And so you received a bill in August of
8 2019, as we've discussed, which was about \$1,800 from
9 Missouri-American?

10 A. That's right.

11 Q. That bill was issued in early August. When
12 did you learn of that bill?

13 A. Right away she called me.

14 Q. So what's right away?

15 A. Well, as soon as she opened the bill and seen
16 it, she called me.

17 Q. Okay. And when did you first try to contact
18 the Company about that bill?

19 A. Right after I got it.

20 Q. Okay. And do you remember the attempt? How
21 did you try to reach them? What method did you use?

22 A. Phone.

23 Q. So you called the Company up on the phone
24 about that bill?

25 A. Right.

1 Q. Okay. And then we also --

2 A. Excuse me. But now what happened was that
3 when I called the Missouri-American Water, they had my
4 Arkansas phone number that was listed to somebody else's
5 account. I don't know how this happened but this is
6 what they had and it was 8996 Lashell (phonetic
7 spelling) Road. I don't know where that was, but they
8 had that mixed up.

9 Q. You discovered that when you gave them your
10 phone number?

11 A. No. I discovered it when I called the
12 Missouri Water Company and I got another -- they said is
13 this whoever this person was.

14 Q. Because you gave them your phone number and
15 they had it --

16 A. No.

17 Q. -- associated with a different account?

18 A. Yes.

19 Q. So they saw the phone number apparently?

20 A. I didn't call. When I phoned American,
21 Missouri-American Water Company, they connected me to
22 someone else's account. They asked me was this your
23 account and I told them no, and then I eventually got
24 them when I gave them my address and phone number in St.
25 Louis.

1 Q. Okay. And so was that during the same day
2 that you straightened out what account you were calling
3 about?

4 A. I never straightened it out, because everytime
5 I would call they would do the same thing. This person
6 I think was a supervisor is when I explained to him at
7 that particular time that they had my phone number
8 hooked to someone else's account. And I think at that
9 particular time when we had the conversation he changed
10 my phone number to coincide with the billing that was
11 supposed to be in St. Louis.

12 Q. And then you were able to proceed and talk
13 about the Garham Drive house bill?

14 A. That's correct.

15 Q. Okay. And then you started writing letters
16 eventually. You started writing letters to the Company;
17 is that right?

18 A. Well, first when I found, I think it was a
19 minor complaint and then when the individual that was
20 handling that particular account said that, you know,
21 they found no problems but if I was not satisfied then I
22 could make a formal complaint and this is what I did.
23 That's where we are now.

24 Q. Were you told that they found no problems
25 before you met with a representative with the Company in

1 October of 2019?

2 A. I think so. I'm not really sure about the
3 dates and time.

4 Q. Okay. We're going to go back to talking about
5 the house and the neighborhood. Okay. How well do you
6 know your neighbors at the Garham Drive house?

7 A. Very good.

8 Q. Okay. So how many properties are adjacent to
9 your property that you own?

10 A. There's a resident on each side of me.

11 Q. Is there a property that connects on the rear
12 of the house?

13 A. No.

14 Q. You described --

15 A. There's a yard that separates us, yeah.

16 Q. Okay. So there's a yard with a third property
17 that's behind your house?

18 A. Well, see, there's no alleyway. So then the
19 yards are connected together, but there's a fencing that
20 separates them.

21 Q. Okay. So you have one neighbor directly on
22 the left and right of your house?

23 A. That's right.

24 Q. And then do you have a third neighbor that
25 connects to your backyard?

1 A. Yes.

2 Q. Okay. Do you know -- Can you hear me, sir,
3 because your video is lagging? Can you hear me okay?

4 A. Yeah, I hear you.

5 Q. Okay. Good. All right. So the neighbors on
6 the left of the house, do you know those folks?

7 A. Yes, I know them.

8 Q. Okay. And how long have they been at that
9 property?

10 A. I would think probably seven or eight years,
11 maybe a little longer.

12 Q. And on the right side?

13 A. Probably about seven or eight years. Maybe
14 longer. I'm not sure exactly because the woman that
15 used to stay next door to me on each side, one guy that
16 stayed on my left-hand side, he died, and the one on the
17 other side she moved and there was some new neighbors
18 that moved in on both sides of me.

19 Q. I'm only interested in the neighbors in 2019
20 and 2020.

21 A. Yeah, I knew them.

22 Q. Okay. So you've indicated that your neighbors
23 apparently, long-standing neighbors on the left and
24 right had either passed away or moved. So what about
25 the new neighbors? Do you know them?

1 A. Yes.

2 Q. Do you know them to say their names?

3 A. Not really.

4 Q. So you don't know them by name?

5 A. No. I know the ones across the street in
6 front of me, both of those neighbors, but I don't -- I
7 know I think on one side her name is Nicky, if I'm not
8 mistaken, but I don't know the last name because they're
9 relatively new and they're not very friendly.

10 Q. Okay. So on the left and right you have newer
11 neighbors. You're able to come up with the first name
12 for one of them?

13 A. Yeah.

14 Q. The neighbors that are adjacent to your
15 property in the backyard, do you know those folks?

16 A. No.

17 Q. Are there any other properties that connect
18 with your property?

19 A. No.

20 Q. And it sounds like the ownership of the
21 properties to the left and right of yours has changed
22 since you left the property in 2005?

23 A. Yes.

24 Q. Do you know if these properties are rented
25 rather than being owned by the person who lives there?

1 A. I really don't. I really don't know if it's
2 rented or if it's a permanent residence. I don't know
3 that.

4 Q. How often do you speak to these neighbors when
5 you visit the house?

6 A. Not very often. I don't see them.

7 Q. Do you have their phone numbers or email
8 addresses if you needed to ask them a question?

9 A. No.

10 Q. Do they have contact information for you if
11 they wanted to let you know about something that they
12 saw at your house that they were concerned about?

13 A. No, not these people but across in front of
14 me. I have this individual, he watches my house, you
15 know, periodically, and he could drive and be in my
16 driveway because he has a couple of daughters and it's
17 only a one-car garage. My driveway is doubled. So you
18 can really park four cars in my driveway. So I allow
19 him to park his car there or his daughter can park her
20 car there so that it wouldn't be vacant looking.

21 Q. Okay. And this is a friend of yours it sounds
22 like?

23 A. Yeah, he's a friend of mine, yeah.

24 Q. What is this gentleman's name?

25 A. Galloway, Toyce Galloway.

1 Q. I got Galloway. I didn't get his first name.

2 A. Toyce, T-o-y-c-e.

3 Q. Thank you. And so you've let Mr. Galloway
4 actually park in your driveway?

5 A. Yes.

6 Q. You said he has a couple of daughters
7 apparently who are driving age?

8 A. Yes.

9 Q. Have you talked to Mr. Galloway about the high
10 water bills that you had at your house?

11 A. Yes.

12 Q. And did he tell you anything about anything
13 strange that he's seen at your property?

14 A. No, he's never seen anything strange at my
15 property, because if he did he would have told me.

16 Q. Are you aware of any neighbors in your
17 neighborhood that use swimming pools?

18 A. No.

19 Q. Do you suspect anyone of stealing water?

20 A. No.

21 Q. Well, we know you take the handles off the
22 spickets on your house. So it's not entirely
23 impossible, is it?

24 A. Well, you know, just certain habits that
25 people make. You know, when you're in the city, you do

1 the same thing. For instance, I'm here in Arkansas.
2 We're in a really nice area on a lake. So we don't need
3 to take the water -- the handles off the water. But in
4 the city or in the county, you know, it's different.

5 Q. And what's different is that people might be
6 interested in hooking up a hose to their neighbor's
7 house?

8 A. I don't know what people would do, but, you
9 know, the thing is is that you don't know whether
10 somebody is going to break in your house but you still
11 have a burglar alarm.

12 Q. Okay. Have you ever made any police reports
13 about any of your neighbors?

14 A. Probably, yes.

15 Q. Okay. And how recently did you do that?

16 A. It would probably have to be somewhere in '17,
17 because when we come back the neighborhood has changed
18 some. Sometimes there's loud music and things like
19 that. So you call the police.

20 Q. So have you called the police to complain
21 about neighbors on your street?

22 A. Yeah.

23 Q. Did that result in any disagreements with any
24 of those folks?

25 A. No.

1 Q. They weren't unhappy about the fact that you'd
2 called the police?

3 A. No.

4 Q. Do you have --

5 A. Because the police don't come to your house.
6 They go to their neighbor's house. So they don't know
7 who really called.

8 Q. Do you have any ongoing disagreements with any
9 of your neighbors in St. Louis?

10 A. I don't know. I don't think so.

11 Q. Neighbor feuds can be pretty heated. So
12 usually people know if they've got a problem with a
13 neighbor. Is there someone in your neighborhood that
14 does not like you?

15 A. There's probably a whole lot of people who
16 don't like me. I don't know who don't like me.

17 Q. Why would that be?

18 A. Why would anything? People don't like me
19 simply because you're a different color or different
20 religion.

21 Q. So you don't have a specific neighbor that you
22 know you've had a disagreement with about parking or
23 parties or loud noise or kids doing things they're not
24 supposed to do or barking dogs or anything else?

25 A. No.

1 Q. No. Okay. So what did you do after you
2 learned that you had this very high bill from
3 Missouri-American in August of 2019 to try to figure out
4 what caused that bill, sir?

5 A. Well, I knew that the bill that they said that
6 I used too much water, there was no truth in it
7 whatsoever period.

8 Q. So you've made it clear today that you do not
9 believe that it's truthful and that you've indicated
10 that you believe the Company deliberately lied about
11 this --

12 A. -- should have been.

13 Q. And you've said that. What I'm actually
14 asking you about is what you have done to figure out the
15 possible causes of the high bill.

16 A. I know exactly what they did and I think I
17 explained that to you.

18 Q. So I didn't ask you about your theory. I'm
19 asking you about what efforts you made to either rule
20 out particular causes of this high bill or to determine
21 exactly what caused it. So can you tell me what you
22 did?

23 A. What do you mean determined what I did about a
24 high water bill?

25 Q. I have some -- There are possible approaches

1 that you may have taken. I'll just ask you some
2 questions.

3 A. Okay. Ask your questions.

4 Q. Okay. You've indicated that Cicely and Andre
5 Tucker watched your house; is that right?

6 A. That's correct.

7 Q. Did you talk to them about this high water
8 bill?

9 A. Sure, they're the ones that told me.

10 Q. Did you ask them if they had seen anything
11 that would indicate that there was a great deal of water
12 being used at the property or a nearby property?

13 A. There was no need to ask them that. They know
14 themselves. You can ask them. You can ask them.

15 Q. Right now I'm trying to figure out what you
16 did, sir, to figure out what was going on. Did you talk
17 to the neighbors in the neighborhood?

18 A. No. Because if there was that much water, it
19 would be not only in my basement it would be outside of
20 the house. 300,000 gallons of water?

21 Q. Right. So did you ask anybody about a great
22 deal of water over a three-month period in the
23 neighborhood?

24 A. If there was that much water, they would have
25 contacted me. Toyce across the street would have

1 contacted me and said there's a lot of water running out
2 of your house.

3 Q. Did you go to the house after you got this
4 bill in August of 2019?

5 A. Andre and Cici were there. They would have
6 told me if there was any water in the basement.

7 Q. Did Ms. Cicely Tucker and Mr. Andre Tucker,
8 did they go to the house?

9 A. Sure.

10 Q. Okay.

11 A. And also Anthony, Antonio Bell.

12 Q. And Antonio Bell is -- can you explain to me
13 your relationship with him?

14 A. He's my stepson. He's Bonita's son.

15 Q. So Cicely and Antonio are Bonita's children,
16 your stepchildren?

17 A. That's correct.

18 Q. Okay. All right. Did you have a plumber or
19 any other professional go to your house and see if there
20 was something wrong?

21 A. No. You know, I'm not so dumb as not to know
22 if there's water in my house.

23 Q. I'm not accusing anybody of being dumb. I'm
24 just trying to figure out what happened.

25 A. I understand that. Understand me. If there's

1 300,000 gallons of water that's supposed to be in your
2 house, why wouldn't I know this and why wouldn't the
3 people that are checking my house not know this.

4 Q. You indicated that you had not gone to the
5 house?

6 A. I didn't go to the house at that particular
7 time, no.

8 Q. You said that you did -- Did you ask Cicely
9 Tucker and Andre Tucker and Mr. Bell to go to the house?

10 A. They went there after we had this large bill.

11 Q. And what did they do when they visited the
12 house?

13 A. They looked around and didn't see any signs of
14 any water.

15 Q. Did you or anyone else inspect the exterior of
16 the house or the yard at that time?

17 A. Andre Tucker, Antonio Bell and Cici Tucker,
18 Cicely Tucker. They're the ones that are in St. Louis
19 who checks my house.

20 Q. All right. Have you in this time frame of
21 2019 and 2020 observed anything unusual around your
22 house or yard?

23 A. No.

24 Q. And have you observed any evidence of water
25 damage in your house or yard in August of 2019 or in the

1 fall of 2020, sir?

2 A. No.

3 Q. So this brings us to the second episode of a
4 high water bill that you experienced and this would be
5 around the time of the disconnection in September 2020.

6 A. Right.

7 Q. Okay. And how did you learn at that point
8 that the Company was reporting once again a high
9 quantity of water being used at the Garham Drive
10 address?

11 A. Cici, I mean, Cicely Tucker.

12 Q. What did she do?

13 A. She sent me the bill.

14 Q. And once again, did you talk to anybody about
15 what might be happening to suddenly cause another surge
16 in apparent water usage?

17 A. No.

18 Q. Did you ask the folks who were taking care of
19 your house whether they had been using the property for
20 anything?

21 A. Yes, but they don't need to use anything in my
22 house.

23 Q. So did you ask them if they had been using the
24 property for anything?

25 A. Yes.

1 Q. What did they say?

2 A. No.

3 Q. Did you talk to any neighbors about whether
4 anything unusual was observed in regard to water around
5 this time?

6 A. No.

7 Q. And you've already told us the last time you
8 were in St. Louis was in October of 2019. You did not
9 go to the house at this point in fall of 2020 after you
10 got this other high bill?

11 A. No. That was during the pandemic. We haven't
12 left the house in almost two years.

13 Q. Did you have a professional of any kind such
14 as a plumber or anyone else go take a look at the house
15 at that point?

16 A. No, no, because there still was no leaks.

17 Q. How would you know that there were no leaks at
18 that point?

19 A. Because my niece and my nephew checks the
20 house regularly.

21 Q. Did you send them over to the house to take a
22 look at it after you received this information?

23 A. She took the -- She's the one that took the
24 pictures on 9/30/20 showing the cut off and the new
25 meter reading on the water meter in the basement. She

1 took those on 9/30/2020. Also a picture of the yard
2 where they had put the cut-off valve on there.

3 Q. A picture of the yard?

4 A. Yeah.

5 Q. I don't recall seeing a picture of a yard.

6 A. I didn't send it to you because when I talked
7 to Attorney Bretz she -- I never sent these in. She
8 just told me to send a list of what my pictures were
9 going to be or what my exhibits were going to be. So I
10 didn't send the packet that I was going to send for the
11 hearing because she told me that she needed them right
12 away. So I just sent a list.

13 Q. Do you have additional documents that you
14 wanted to have on the record, sir, today that we have
15 not discussed? We've gone through all the documents
16 that you filed in this case.

17 A. I think --

18 Q. Are there additional documents that you
19 thought would be useful?

20 A. I think the only one that you don't have is
21 this one here, this yard where they turned the water
22 off.

23 Q. So in your yard there was something that they
24 used to shut off service to your house?

25 A. Here it is here, yes.

1 Q. That's what that picture is showing. I don't
2 think there's any dispute in this case about whether or
3 not your service has been disconnected. So at this
4 point I'm not sure if that particular image is going to
5 show anything else. If it develops in testimony that it
6 may be useful, then we can talk about it. Okay?

7 A. Okay.

8 Q. So did -- My understanding is that service was
9 disconnected on the 29th. I believe that's what the
10 stipulation was.

11 A. That's right.

12 Q. When did you hear from Ms. Tucker about the
13 service disconnection?

14 A. She was out there on the 30th.

15 Q. Okay.

16 A. 9/30/20.

17 Q. Okay. Then there's a picture that we've
18 already included in the record in this case that is a
19 picture that you have told us that Ms. Tucker took of
20 the meter in the house on September 30?

21 A. That's right.

22 Q. Do you know if anyone inspected the exterior
23 of the house and yard at the time that Ms. Tucker
24 noticed that water had been disconnected?

25 A. She did.

1 Q. And?

2 A. She's the one -- She was the one that went out
3 and inspected it, because that's the one that took the
4 picture as well as I just told you before but she said
5 you didn't need it.

6 Q. Okay. Well, you've told me that she took a
7 picture of something indicating your water was
8 disconnected?

9 A. Right.

10 Q. That is not necessarily the same thing as
11 inspecting your property to figure out if there are
12 indications of excess water anywhere.

13 A. Well, when she goes -- When she took the
14 picture, she went around the house. She was in the
15 house.

16 Q. And with your complaint you also included a
17 picture of a notice of nonpayment?

18 A. Okay.

19 Q. And you told us that Ms. Tucker sent that to
20 you?

21 A. That's right.

22 Q. Okay. I don't think we know exactly when that
23 was sent to you. Do you know when that was provided to
24 you?

25 A. She probably sent the email immediately or she

1 text it on the same day.

2 Q. Right. But I don't know what that same day
3 would be.

4 A. September 30, 2020.

5 Q. So you think that's -- that is when this
6 notice of nonpayment was posted?

7 A. Yeah, or that's the time she was out there.

8 Q. Well, we're going to get testimony from Mr.
9 Harris. We'll let Ms. Harris testify after Mr. Harris
10 is done. Okay. So after the second period of high
11 water use, did you hear anything from a neighbor or
12 anyone else indicating anything strange around your
13 property in regard to water?

14 A. No.

15 Q. Okay. All right. Are you aware of whether
16 Missouri-American has ever tested the meter that is
17 installed on your house at Garham Drive?

18 A. They have never tested that meter, never,
19 since I've been there.

20 Q. Have you ever asked Missouri-American to test
21 the meter?

22 A. No, I would have no reason. I never had any
23 high water bills.

24 Q. So you just had a high water bill in August of
25 2019?

1 A. And the last one 9/30.

2 Q. And then right at disconnection?

3 A. Right.

4 Q. So after the August of 2019 high water bill,
5 you also didn't ask for a meter test at that point; is
6 that right?

7 A. Yes.

8 Q. Is there a reason why?

9 A. Well, like I was saying before, the only
10 individual from Missouri-American Water was a guy that
11 came in on 10/19 and it's specified on this sheet that
12 you have with the readings on it.

13 Q. But my question was why wouldn't you ask for a
14 test of your meter?

15 A. Why should I when I know what they did.

16 Q. So is it correct to say that after you got the
17 August 2019 billing that you believed that
18 Missouri-American was deliberately targeting you and had
19 fabricated these charges and there was no reason --

20 A. That's exactly right.

21 Q. And there was no reason for you to look to try
22 to figure out if there was any other explanation for
23 these bills?

24 A. No, because I could see it. Mathematically I
25 could see it.

1 Q. What do you believe are the possible causes of
2 a higher than expected water bill?

3 A. Premeditated. That's what they did. There
4 was no other reason. There was no other reason period.

5 Q. So every person who receives a higher than
6 expected water bill is the victim of premeditated fraud?

7 A. I don't know what everybody else would do.
8 I'm talking about Willie Harris at (address redacted per
9 Judge Jacobs), and I'm telling you that I know exactly
10 what Missouri-American Water did. I can see it.

11 Q. Okay. So we'll strike from the record Mr.
12 Harris' statement of his full address, please. So what
13 do you believe are the possible causes of a higher than
14 expected water bill? Is it possible that a leak in
15 plumbing can use water?

16 A. Not that much water. Do you realize how much
17 348,000 gallons of water would do to my house and the
18 neighborhood? 3,766 gallons of water per day?
19 Something wrong with that.

20 Q. Is it possible that a hose hooked up to a
21 spicket --

22 A. No way.

23 Q. -- can also result in a higher water bill than
24 would be expected?

25 A. No way, no way, because your water would run

1 somewhere. It would be an irrigation ditch there where
2 the water ran out. It had to go in somebody's yard.

3 Q. So is it accurate to say that because of the
4 magnitude of the water here you just really are not
5 willing to entertain any other solution, any other
6 possible causes of the situation because it's so much
7 water; is that right?

8 A. That's evident.

9 Q. Okay.

10 A. There's too much water would leak and nobody
11 knew it and my niece is out there every week. No,
12 there's no other solution.

13 Q. Some of the documents that you filed in this
14 case indicate that you think that the Company inflated
15 your bills in retaliation because you wouldn't schedule
16 with the Company for some work that they were going to
17 do involving your meter?

18 A. That's exactly right. I never -- For 30 years
19 I paid these people. I had no problem with them. I
20 never questioned them. Then all of a sudden when they
21 can't get them compatible, then I come up with this big
22 water bill? What do you think?

23 Q. What's your understanding about why the
24 Company wanted to get access to your property?

25 A. Because the Company itself never changed the

1 meters in the way that they were supposed to. They said
2 every 15 years. Obviously that's not the truth because
3 from '87 to 2009 is 22 years. And there was a meter in
4 the house that they put in when they completed my house
5 in 1965. And the pattern that Missouri Water Company
6 did was 22 years from 1965 to 1987 to 2009. Those are
7 all the pattern that Missouri Water Company did. I
8 didn't do it.

9 Q. Is there a reason why you weren't able to
10 schedule an appointment with them to have that work
11 done?

12 A. Because I'm not there and I wasn't there. I
13 tried to resolve that issue with them before they
14 premeditatedly did what they did. I tried to even tell
15 them hey, look, I'll give you my niece's number. You
16 all can call each other and get a date that's compatible
17 with them, but they never did that. They just went on
18 and premeditatedly did what they wanted to do. Just
19 like they said they put a meter in my house in 2009.
20 They couldn't put a meter in my house in 2009. How
21 could they get in my house?

22 Q. Were you concerned that the work that the
23 Company was proposing to do would damage the closet that
24 you indicated had been installed in the basement?

25 A. No, no, because I know what they do. The

1 people that are my friends on that block, they know
2 exactly what they did. They told me and I seen the
3 meters of how they put the meters in. They sent me
4 pictures of it. They can't get out of this.

5 Q. I'm not sure I understand your answer to the
6 question.

7 A. I'll tell you again. I know exactly how they
8 put the meter in the socket where the old meter was. I
9 know what they do, because they have sent me pictures.
10 My neighbors have send me pictures of the new water
11 meters that they put in.

12 Q. And what neighbors are those, sir?

13 A. Toyce Galloway and another neighbor that I
14 won't give you her name but I have them.

15 Q. And there's a reason why you don't want to
16 identify that person?

17 A. Well, she works a lot and I'd have to talk
18 with her to find out whether or not I can give you her
19 name.

20 Q. Does she live on that street?

21 A. Yes, she does.

22 Q. When was the last time you had any repair work
23 done at the Garham Drive house?

24 A. What kind of repair work are you talking
25 about?

1 Q. Any kind of repair work. Have you had anyone
2 fix something at the Garham Drive house?

3 A. Just putting that closet in for my wife, but
4 there's nothing else that I could think of that I had
5 done.

6 Q. The documents that you submitted on March 1
7 indicated that your girlfriend at the time moved into
8 the house in 2005, and you installed a new closet at
9 that time?

10 A. That's correct.

11 Q. Is that right?

12 A. Her son did it.

13 Q. And who is that? Is that Antonio?

14 A. Antonio Bell.

15 Q. So some of the information that you submitted
16 in regard to that closet indicated that you didn't think
17 a meter could be installed in 2009 when the Company has
18 indicated it was because of the presence of the closet.
19 Do you want to clarify that for us?

20 A. Well, not only could they not install it in
21 the closet, they couldn't get in my house.

22 Q. But I'm asking you about the closet. I just
23 want to make sure I understand you.

24 A. Okay. What is it you want to know?

25 Q. Is it possible with the way the closet is now

1 for someone to come there, remove your existing meter
2 and put a new meter on it?

3 A. Yeah, they could do it now, sure.

4 Q. Okay.

5 A. Because I know what they do.

6 Q. Is there some reason they wouldn't have been
7 able to do that in 2009 because of the closet?

8 A. No. It's not so much about the closet as it
9 is about the entrance to my residence. They couldn't
10 get in my house.

11 Q. And you had a closet installed you've
12 indicated in 2005, and that's 16 years ago or something
13 like that. So you haven't had to have anything fixed at
14 your house in that time? You haven't had to replace a
15 toilet, put new faucets in --

16 A. No.

17 Q. -- fix leaky gaskets, have a plumber come
18 clean out your drains, nothing like that?

19 A. No. The only thing that I've ever done is
20 just put the new stopper where the toilet connects to
21 the bowl where you put the little drop in where you pull
22 the flush up. That's it.

23 Q. When was the last time you replaced one of
24 those at the Garham Drive house?

25 A. I really don't know.

1 Q. Have you had problems with your toilets
2 running at the house?

3 A. The only time it runs is when I tell you that
4 I put the stoppers in there. There would have been no
5 other time. When I hear them running, I do what I have
6 to do.

7 Q. When was the last time you did that at the
8 Garham Drive house?

9 A. I don't know exactly when that is.

10 Q. Have you ever had to call a plumber to come
11 fix something at the Garham Drive house?

12 A. No.

13 Q. At my house because we have trees that get
14 into the drains we have to have someone come out once a
15 year and clean drains out. Do you have to do anything
16 like that?

17 A. The last time that this was done I had a sewer
18 line, which we have the lateral sewer runs that runs
19 out, but I had all those trees cleared out because I had
20 that done because they do it for free because you have
21 that insurance on it. But that was the only time. And
22 I had all the trees that are in my yard there's no more.
23 I don't have a tree in my yard at all.

24 Q. So you had a bunch of trees removed?

25 A. No. It wasn't a bunch. It was just one.

1 Q. So you had one tree removed?

2 A. Yes.

3 Q. And when was that?

4 A. One tree in the front yard that obviously
5 there was the old pipes. Now it's plastic that they put
6 in. But it was the lead or whatever that was that they
7 used at the time. And it had busted into my pipes. And
8 so when this happened then the people came out, put a
9 new line in and then I had the tree cut off. So there's
10 no more trees.

11 Q. You had a new sewer line installed?

12 A. Yes.

13 Q. When did that happen?

14 A. It was probably in 1998, somewhere in that
15 area.

16 Q. And then you said initially you told me you
17 had all the trees cleared out but then you revised that
18 to you only had one tree?

19 A. I had a tree in the backyard. It was a pear
20 tree, but there's no lines, there's no sewer lines or
21 anything in the back.

22 Q. So you took one tree down in the front?

23 A. That's the only tree that was in the area of
24 the pipes.

25 Q. So you've told us that you think that the

1 increased water charge from May through August 1 of 2019
2 was because the Company was deliberately overcharging
3 you; is that correct?

4 A. Yes.

5 Q. And do you attribute the same reason to the
6 charge for the fall of 2020 starting --

7 A. Yes.

8 Q. -- August 1 until service was disconnected?

9 A. Yes.

10 Q. And how would you explain the change in the
11 numbers on your meter in the fall of 2020? So if the
12 Company was deliberately overcharging you, how would
13 they have made the numbers on your meter go up in order
14 to charge you that fall?

15 A. I don't know exactly how they did it, but I
16 know from 8/28 to 9/30 to move 109 units when you're
17 saying that in the four and a half, four years five
18 months and 28 days I only used 37 units of water because
19 if you take 89 from 126 you'll get 37. And 37 times
20 that would be only 21,000 gallons of water but they're
21 saying that I used 81,000 gallons of water. And those
22 weren't in 30 days.

23 Q. So that's reflected in changes on the numbers
24 on your meter?

25 A. Yes.

1 Q. So I'm asking you if you have a theory for how
2 those -- the meter would have been manipulated or more
3 water would have been caused to flow through that meter?

4 A. There's no way. There's just no way that any
5 water could have went through there when the water is
6 turned off. The water was turned off and they estimated
7 this, but they estimated it exactly what is on the
8 meter. How did they do that?

9 Q. Okay. So what I'd like to do is talk about
10 the security system that you have at your house.

11 A. Okay.

12 JUDGE JACOBS: So I think that it would be
13 appropriate to do this in camera in case there's some
14 information that could be used in an inappropriate way.
15 So we will be going in camera. As I indicated before,
16 in order to be included in this in-camera session,
17 you're going to get an invitation on your screen that
18 asks you to agree to join in. You'll have to click yes.
19 I don't see Staff counsel on here. I don't see Ms.
20 Bretz.

21 MR. JOHNSON: Judge, I can reach out to Ms.
22 Bretz.

23 JUDGE JACOBS: I don't know if it's my fault
24 that I did something wrong. I'm going to have to end
25 this one.

1 MR. JOHNSON: Judge, Ms. Bretz says she did
2 not receive a notification to move in camera.

3 JUDGE JACOBS: Let's try again. We're going
4 to be out of this in 20 seconds. I apologize.

5 MR. HARRIS: Do I click on the okay?

6 JUDGE JACOBS: Yeah, it's asking to take you
7 out. I'm sorry. We should be out of that session. I
8 apologize. I don't know what happened with the
9 invitations because the first time I did have Ms. Bretz
10 in there but I didn't this time. So I'm going to have
11 to look back at the assignments on that. What I'd like
12 to do because we've been going for a little while while
13 I figure that out is we're going to take a 15-minute
14 break. So we're going to come back at 2:50. It's
15 slightly less than 15 minutes. Everyone please be back
16 here at 2:50. We're off the record until 2:50 p.m.
17 Thank you.

18 (Off the record.)

19 JUDGE JACOBS: It is now 2:50 and we are ready
20 to get back on the record in this hearing which is in
21 Case No. WC-2021-0129. I apologize for the technical
22 difficulties that I had there in trying to bring us into
23 an in-camera session. I'd like to proceed now to talk
24 to Mr. Harris about the security system he has on his
25 property. I am looking here just to confirm that I have

1 Ms. Bretz with us and that I also have counsel for the
2 Company. I do see their names. The screen version that
3 I'm using here is not showing me everybody all at once.
4 Okay. Good. Thank you very much. I see all of you.
5 So now I'm going to take us into a break-out session.
6 I'm going to do a better job of it this time. If you
7 get a request to go into the session, you need to agree
8 that you would like to go in. It might look a little
9 different than it did last time. Somebody told me that
10 they've seen different things show up on their screen.
11 So I'm going to start that session now and hopefully I'm
12 bringing everyone with me. Here we go.

13 (In-camera session)

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(In-camera session.)

(REPORTER'S NOTE: At this point, public session resumed.)

JUDGE JACOBS: Mr. Harris, if you'd like to -- We are now in regular session. We are out of the in camera. Mr. Harris, it looked like maybe your internet connection wasn't very good. Can you hear me? And it

1 looks like you're muted, sir.

2 MR. HARRIS: Can you hear me now?

3 JUDGE JACOBS: Yes, we can hear you now, sir.

4 So we can proceed.

5 BY JUDGE JACOBS:

6 Q. You've indicated in actually the letter we
7 were talking to that went to the Company in October
8 2019. You said that your nephew cuts your grass and
9 checks the house weekly. Who were you referring to
10 there?

11 A. Andre Tucker. Andre or Cici cuts the grass.
12 She has two kids and they help her.

13 Q. What months out of the year is it necessary to
14 have the lawn cut?

15 A. Well, it's when the summer comes.

16 Q. So like?

17 A. Just like they just cut it. So I'm assuming
18 depending on the rain.

19 Q. So you start cutting grass at the house in May
20 and you go through, what, September, October?

21 A. Somewhere in that area, yes.

22 Q. Okay. And you said that Mr. Tucker has kids
23 as well?

24 A. Yeah. They're teenagers.

25 Q. Okay. So two teenagers, two teenage children?

1 A. They have a daughter and a son.

2 Q. And they will come over to the house and mow
3 the lawn?

4 A. Well, they help their mother or dad be over
5 there, you know, just to make a little extra money
6 because I pay them to cut the grass.

7 Q. Okay. All right. So it sounds to me like
8 you've depended on Mr. Tucker, Andre Tucker and Ms.
9 Cicely Tucker, as well as Antonio Bell at times in
10 regard to the Garham Drive house; is that right?

11 A. That's correct.

12 Q. Have you had anybody else help you take care
13 of the house --

14 A. No.

15 Q. -- in 2019 or 2020?

16 A. No.

17 Q. So it would just be Andre, Cicely, Antonio and
18 then the Tucker's two teenagers?

19 A. Yes.

20 Q. No one else that you're aware of that goes
21 over there with your permission?

22 A. No. Because they don't drive so they ride
23 with their mother or father.

24 Q. And you indicated that it's just Cicely and
25 Andre who have keys and the burglar code to get in the

1 house; is that right?

2 A. That's correct.

3 Q. And you haven't given anyone else permission
4 to use the house or yard; is that right, sir?

5 A. That's right.

6 Q. And do you pay your family members to help you
7 take care of this house?

8 A. Just for the grass. I usually give her a
9 little something for going back and forth.

10 Q. Because to be honest with you, it actually
11 sounds like quite a job to go over to this house to
12 check on it and make sure everything is okay, to check
13 your mail, to open it up, to let you know if something
14 is important. Obviously you're indicating that they
15 make sure that nothing is wrong at the house and then
16 for most of the year they're actually cutting the grass.
17 So it sounds like quite a bit of work is needed to take
18 care of the house.

19 A. What happens is that both of them work in the
20 area. So it's really not a problem because on their way
21 to work they generally check it. And unless they'll be
22 here on the weekends to check it. Basically they both
23 work within that area. Cici is a fireman. So she works
24 at the airport, which is not too far from my house, and
25 Andre is a supervisor at a mail facility and he's not

1 that far from my house as well.

2 Q. Okay. I mean, if I'm checking on your house
3 on the way to work I might be in a bit of a hurry. So I
4 might grab the mail, take a look at it, don't see
5 anything that looks too weird, hop back in my car and
6 leave. I don't know how much time I have to walk
7 through the entire house, check all your faucets, make
8 sure your toilets aren't leaking and make sure there's
9 nothing weird in the yard. Sir, are you confident that
10 folks who are stopping by on their way to and from work
11 who also have a couple kids to take care of are spending
12 a lot of time examining your property and make sure
13 everything is okay?

14 A. Yeah, I'm confident that they do it, because
15 it's really not that big of a problem for them to do it.

16 Q. Okay. Have you ever had to change the locks
17 on the property?

18 A. No.

19 Q. Do you happen to remember who you met with
20 from Missouri-American when you met someone at the
21 Garham Drive house in October of 2019?

22 A. He was a Caucasian dressed pretty shabby. He
23 looked like he slept in his clothes overnight, but he
24 was driving a Missouri-American Water truck. So I
25 assumed that he worked there because he had those

1 clothes on.

2 Q. And you don't remember his name?

3 A. No.

4 Q. Who else was present when you met with that
5 man from Missouri-American?

6 A. My wife.

7 Q. And that's Ms. Bonita Harris?

8 A. That's correct.

9 Q. Was it just you and Ms. Harris and the man
10 from Missouri-American?

11 A. And the dog, yeah.

12 Q. Okay. And so you didn't have your niece and
13 nephew or Mr. Bell there with you?

14 A. No.

15 Q. Okay. Did you arrive in St. Louis for that
16 meeting on the 18th or did you spend the night in the
17 house the night before?

18 A. I don't know exactly. I mean, probably when I
19 got there I was there. I don't know exactly the date
20 that I got there but I was there.

21 Q. So you were there on the 18th, and did you
22 drive back to Arkansas after that?

23 A. I don't think so. I don't know. I could
24 have, you know.

25 Q. What did you do at the house that day when you

1 were there to meet the person from Missouri-American?

2 A. What do you mean what did I do?

3 Q. Was this the first time that you were visiting
4 the house after you had this water bill?

5 A. Yeah.

6 Q. Okay. So was there anything in particular
7 that you were interested in looking at when you got to
8 your house?

9 A. No, there wasn't a problem when I left so it
10 wouldn't be anything when I came back.

11 Q. The last time that you had been there was in
12 June of 2019?

13 A. I don't know. I guess. I don't know those
14 dates exactly.

15 Q. So did you examine the exterior of your house
16 to see if there was any indication of any kind of water
17 damage or --

18 A. There's no water damage. There's no water
19 damage period.

20 Q. Did you look around to see if there was any
21 sign that anyone had accessed your backyard or used your
22 exterior spickets?

23 A. No. There's nobody does that.

24 Q. Did you look, sir, when you came and visited
25 the house?

1 A. I can tell if anybody's been in my yard. I
2 can tell. Why would they be there in the first place?

3 Q. I actually don't think that you answered my
4 question. My question was did you look?

5 A. I always look at my house when I get there.

6 Q. Okay. Where was the touchpad that was
7 installed on the house to allow the Company to take
8 meter readings? Where was that installed on your house?

9 A. It's installed in the front of the house
10 somewhere around the drain pipe.

11 Q. You previously told us that there's a water
12 spicket outside there in that general area?

13 A. Yes, right.

14 Q. And the touchpad, is it facing out toward the
15 street or is it facing the side of the house?

16 A. Out towards the street.

17 Q. So it faces -- Is it installed on the front of
18 the house?

19 A. Yes.

20 Q. So you can see it from your front yard?

21 A. Yes. If you're looking for it, yes.

22 Q. You had some pleadings or some documents that
23 you filed in this case you'd indicated the touchpad had
24 been removed from your house; is that right?

25 A. That's what I thought, but I don't think it

1 was removed. I'm not positive but I did see it when
2 Cici sent the pictures in.

3 Q. So why is it that you thought it had been
4 removed, sir?

5 A. Because I remember it being in a different
6 place that I thought it was in a different place.

7 Q. Okay. So you haven't been to the house and
8 looked to see where the touchpad is and discovered that
9 it wasn't there?

10 A. I haven't been in St. Louis, like I said, in
11 almost two years.

12 Q. Okay. And I'm going to ask you about the
13 folks that you've identified as witnesses today. Ms.
14 Bonita Harris is your wife; is that right?

15 A. That's correct.

16 Q. And Ms. Tucker, Cicely Tucker is her daughter;
17 is that right?

18 A. That's right.

19 Q. She's married to Andre Tucker who is your
20 nephew?

21 A. Right.

22 Q. And Antonio, and I had it as Anthony, someone
23 put it as Anthony but he corrected me it's Antonio Bell,
24 he is also Ms. Harris' child?

25 A. Yes.

1 Q. Her son, right?

2 A. Right.

3 Q. Okay. And those are the people that you've
4 identified to be witnesses for you today?

5 A. Yes. Here's the list that I was going to
6 send.

7 Q. Right, I have it. Thank you. Do you
8 recognize the name Denise Harris, sir?

9 A. I don't know her.

10 Q. Okay. Do you know --

11 A. But I know that someone, I think it was Art,
12 sent something in the exhibit that had a Denise Harris
13 on it, but I don't know her. Harris is a common name
14 evidently.

15 Q. And you don't have a family member named
16 Denise?

17 A. No.

18 Q. You said you had a former wife. Her name
19 wasn't Denise?

20 A. No.

21 Q. What was your former wife's name?

22 A. Norma.

23 Q. All right. So I was just wondering if you
24 could tell me who Denise Harris was, because I had
25 noticed that name in the records as well.

1 A. Somebody that works for Missouri Water
2 evidently.

3 JUDGE JACOBS: Okay. All right, sir. Those
4 were all the questions that I had for you. Does Staff
5 have any cross-examination for Mr. Harris?

6 MS. BRETZ: Yes. Thank you, Your Honor.

7 CROSS-EXAMINATION BY MS. BRETZ:

8 Q. Good afternoon, Mr. Harris.

9 A. Hello.

10 Q. You said that you have two water faucets, is
11 that correct, outside faucets?

12 A. That's correct, right.

13 Q. So there's one on the outside or one towards
14 your front yard; is that correct?

15 A. Yes.

16 Q. Do you remove the handle on that when you
17 leave?

18 A. No.

19 Q. Why do you not remove it?

20 A. Because my neighbor across the street and the
21 woman that used to live diagonally across the street,
22 she used to watch my house all the time. Either one of
23 them would see if anybody was over there messing with my
24 water or my hydrant at all.

25 Q. So they're home all the time?

1 A. They're home sufficiently enough, yes.

2 Q. How do you know that?

3 A. Because one works in the -- His wife works in
4 the daytime and he works at night. So he watches my
5 house when he's there. He don't watch it all the time
6 every minute of the day but he looks out.

7 Q. Okay. Then there's also an outside water
8 faucet in the back of your house, that's right?

9 A. It has no handle on it.

10 Q. But I think you said that someone could use a
11 pair of pliers to open the valve?

12 A. Sure, they can use a pair of pliers to open it
13 up, yes.

14 Q. And this second water faucet is behind a
15 fence?

16 A. Pardon me?

17 Q. This second water faucet in the back of your
18 house is behind a fence?

19 A. It's behind the house. It's behind the fence,
20 yes.

21 Q. Is the fence locked?

22 A. No.

23 Q. I'm sorry. Could you repeat, please?

24 A. Pardon me? What did you say?

25 Q. Is the fence locked?

1 A. No.

2 Q. So anybody could gain access to the back of
3 your yard?

4 A. Yes, or they could jump over the fence.
5 Doesn't make any difference. They could jump over the
6 front fence.

7 Q. Okay. I'm sorry. I think we're having --

8 JUDGE JACOBS: I can't tell if someone is
9 speaking in the same room as Mr. Harris or not. Mr.
10 Harris, is someone --

11 MR. HARRIS: It was my wife. I just told her
12 to go in the other room.

13 JUDGE JACOBS: Did you need to repeat your
14 question, Ms. Bretz, or did you get your answer?

15 MS. BRETZ: I think we're good. Thank you.

16 BY MS. BRETZ:

17 Q. Where did you write in your testimony that you
18 submitted to the Commission that you removed the faucet
19 handle?

20 A. What was that again?

21 JUDGE JACOBS: Ms. Bretz --

22 MR. HARRIS: I'm not hearing somebody.

23 JUDGE JACOBS: Okay, yes. Ms. Bretz, you
24 might want to disengage your video because your
25 connection seems to be not good right now. It keeps

1 blinking out and now we can't hear Ms. Bretz.

2 MS. BRETZ: Okay. Let's try this. I took the
3 video off.

4 BY MS. BRETZ:

5 Q. Mr. Harris, where did you write in your
6 testimony in the paperwork you filed with the Commission
7 that you removed the faucet handles?

8 A. I don't remember that. You know, I could have
9 put that there. I don't know that I said it. If I said
10 I said it, then I did.

11 Q. Okay. But you don't recall writing that?

12 A. Why? Is that a big thing or what?

13 JUDGE JACOBS: Mr. Harris, will you please
14 just answer the questions that are asked of you. And
15 Ms. Bretz, I believe that was testimony that was
16 elicited at the hearing today. It didn't derive from
17 anything in writing in the case.

18 MS. BRETZ: Okay.

19 BY MS. BRETZ:

20 Q. Which telephone numbers does Missouri-American
21 have for you?

22 A. Is that for me or what?

23 Q. Yes. Yes, Mr. Harris.

24 JUDGE JACOBS: Mr. Harris, you previously
25 provided two phone numbers on the record. You gave one

1 with an area code of 810, I believe, and then --

2 MR. HARRIS: No, 870.

3 JUDGE JACOBS: Okay. Right, 870 and then a
4 314 area code. If you want to refer to those by area
5 codes.

6 MR. HARRIS: The 870.750.0081 is my Arkansas
7 cell phone. 314.355 is the St. Louis land line.
8 314.355.5353.

9 JUDGE JACOBS: So Mr. Harris, you want your
10 full phone numbers to be part of the public record?

11 MR. HARRIS: I don't care.

12 JUDGE JACOBS: Okay.

13 BY MS. BRETZ:

14 Q. So does Missouri-American have the 870 number
15 for you?

16 A. Well, in my early testimony I said that I had
17 given it to Art I think his name was, and he had put it
18 in the phone number for calling me at my address here,
19 yes, because they had it with someone else's bill. The
20 870.750.0081, that's the Arkansas number.

21 Q. So does Missouri-American also have the 314
22 number under your account?

23 A. They have it now.

24 Q. Did they have it in 2019?

25 A. I had given it to them, but they had it listed

1 with someone else's account.

2 Q. Okay. So you said that after you heard about
3 the high usage you called Missouri-American; is that
4 correct?

5 A. Yes, I did.

6 Q. And I believe your testimony was that you
7 talked to the Company. They didn't want to do anything.
8 Is that what you said?

9 A. That's exactly right.

10 Q. So they didn't suggest a meter test?

11 A. No.

12 Q. Did they suggest making a service call to see
13 if they could find the source, find out where the water
14 was going?

15 A. The only time that they did this was when they
16 sent the guy out that I said earlier that was improperly
17 dressed, and that was on October 18, 2019, I think it
18 was. You had it listed.

19 Q. So when you called Missouri-American after
20 that high usage, the highest usage, what did they
21 suggest that you do?

22 A. Well, they kept telling me they were going to
23 send it to the account dispute area in Alton, Illinois,
24 which I called and talked to someone over there numerous
25 times and I got nothing. That's the reason that I went

1 to Channel 2. After I went to Channel 2, he talked to
2 them and he talked to them. He called me back and told
3 me that they were going to reduce my bill. I didn't
4 know anything that they were going to reduce it until I
5 got the billing from them and the individual that called
6 me and told me that they were going to reduce it down.

7 Q. Okay. Why do you have Missouri-American send
8 bills to the Garham Drive address?

9 A. Well, it's like I explained before. I have
10 two residences. I must establish residence in both
11 places. For Arkansas, I have my driver's license, and I
12 have an ID card for the Missouri address.

13 Q. What does that have to do with where your
14 water bills are sent?

15 A. They're sent right where I live in St. Louis.

16 Q. So in Arkansas you have a driver's license; is
17 that right?

18 A. Yes.

19 Q. And then --

20 A. At my residence so that I can vote.

21 Q. Oh, okay. For Missouri you have an ID card?

22 A. That's right.

23 Q. Do you have any training working as a plumber?

24 A. Do I have any what working as a plumber?

25 Q. Do you have any training to be a plumber?

1 A. No.

2 Q. Does Ms. Tucker, Cicely Tucker, does she have
3 training to be a plumber?

4 A. No.

5 Q. Does anyone in your family or immediate family
6 have training to be a plumber?

7 A. No.

8 MS. BRETZ: Judge, I have a picture to send.
9 It's a picture from Google Maps. I don't have the
10 ability to share it. It's not going to -- I obviously
11 don't have bandwidth to do it anyway. Could I email
12 that to the parties and could you share the document,
13 please?

14 JUDGE JACOBS: Yes. So you're asking you're
15 just going to email it and then you were hoping I could
16 share my screen?

17 MS. BRETZ: Yes.

18 JUDGE JACOBS: Okay. Sure, go ahead.

19 MS. BRETZ: I just sent it.

20 JUDGE JACOBS: I will let everyone know as
21 soon as I get it. I have received it and I've opened
22 it. I will attempt to share it now. I have shared my
23 screen.

24 MS. BRETZ: Thank you.

25 BY MS. BRETZ:

1 Q. Can you see it okay, Mr. Harris?

2 A. Yeah, I can see it now.

3 Q. Okay. Do you recognize the house --

4 A. Yes, I see my house.

5 Q. Do you recognize that as your house?

6 A. Yes.

7 Q. Okay. You stated that none of your neighbors
8 have swimming pools; is that correct?

9 A. Yeah.

10 Q. Could you look at the house that's two doors
11 down from you on the right?

12 A. Okay. I see it.

13 Q. What do you see in the backyard there?

14 A. Yeah, it looks like a pool, but what does that
15 have to do with me?

16 Q. Is it possible that your earlier testimony --

17 A. No, absolutely not.

18 Q. I'm sorry. Let me ask the question. Let me
19 ask the question. Is it possible that your earlier
20 testimony that none of your neighbors have a swimming
21 pool was mistaken?

22 A. Okay. You can say that. What did that have
23 to do with me? You were trying to say something that
24 possibly somebody got the water out of my house down to
25 that pool?

1 Q. I'm not testifying.

2 A. That's two houses down from me.

3 Q. Do you know how many feet that is
4 approximately? How wide are your lots or how wide --
5 Your lot is kind of a special shape, but do you know how
6 many --

7 A. I just showed you it's a trapezoid.

8 Q. Do you know how wide the neighbor to the left
9 is, how wide his lot is?

10 A. No.

11 Q. You don't think it's possible to run a hose
12 from the backyard?

13 A. No, I don't think so.

14 Q. You don't think so. What makes you say that?

15 A. Why would they run a hose from my house down
16 there? They don't know whether I'm there or not. Why
17 would they run a hose from there?

18 Q. Your neighbors don't know when you're home?

19 A. I don't ask them whether or not they know
20 whether I'm gone or not. It's not my business.

21 JUDGE JACOBS: Ms. Bretz, how would you like
22 to proceed in regard to this image that you've shared?

23 MS. BRETZ: It's not on our exhibit list. I
24 mainly had it here to impeach, but it would be great to
25 introduce it as a piece of evidence.

1 JUDGE JACOBS: Okay. So it could be submitted
2 as a late filed exhibit.

3 MS. BRETZ: Okay, I would ask that.

4 JUDGE JACOBS: Okay. So you actually haven't
5 offered any exhibits at this point yet. So I believe
6 this would be Staff's 100. We have all heard some
7 testimony today about this. Ms. Bretz, you located this
8 on it looks like Google Maps; is that right?

9 MS. BRETZ: David Roos, our engineer, located
10 it.

11 JUDGE JACOBS: Okay. And provided it to you.
12 Did Mr. Roos perform that search today?

13 MS. BRETZ: Yes.

14 JUDGE JACOBS: So Staff is offering this image
15 into evidence. Does any party have an objection?

16 MR. HARRIS: I do.

17 JUDGE JACOBS: What is your objection, sir?

18 MR. HARRIS: It has no credence. What
19 relevance does it have?

20 JUDGE JACOBS: So I think --

21 MR. HARRIS: What relevance does it really
22 have?

23 JUDGE JACOBS: You were previously asked
24 whether or not any of your neighbors had pools. I
25 believe your testimony was that you didn't believe that

1 they did. So this image would indicate that perhaps
2 there is a pool at the backyard near your house. So
3 that would be the relevance, sir. Did you have any
4 other objections?

5 MR. HARRIS: Okay. No. I don't see the
6 relevance. You do. You're an attorney. I don't see
7 the relevance unless you're trying to associate that
8 someone stole the water, 300 and some thousand gallons
9 of water and hooked it up to this woman's pool or to
10 whoever these people are. Doesn't have anything to do
11 with me.

12 JUDGE JACOBS: So certainly your skepticism
13 about this image is also part of the record, sir.

14 MR. HARRIS: It shouldn't be. It's the same
15 way when Missouri-American Water is saying that they was
16 able to get into my house without my knowing it and put
17 a meter in there, which they didn't.

18 JUDGE JACOBS: Okay. So Ms. Bretz, did you
19 have any additional comments to make on this?

20 MS. BRETZ: No, Your Honor.

21 JUDGE JACOBS: To be more clear, Mr. Harris
22 has objected to the relevance of the document.

23 MS. BRETZ: Yes. Of course it has everything
24 to do with this case. If there's a possibility of
25 theft, it shows that some of the neighborhood had reason

1 -- could have taken the water to use for a pool.

2 MR. HARRIS: I don't see the relevance.

3 JUDGE JACOBS: So the document will be
4 admitted to the record as Staff's Exhibit 1.

5 (STAFF'S EXHIBIT 100 WAS RECEIVED INTO
6 EVIDENCE AND MADE A PART OF THIS RECORD.)

7 JUDGE JACOBS: We may, in fact, ask more
8 questions of Mr. Roos about it if we have an opportunity
9 to do that when we hear from Mr. Roos. The objections
10 as to the relevance of the document is overruled. We'll
11 just call this a Google Drive. I guess it's not Google
12 Drive. It's Google Earth image. Okay. Now we need to
13 make sure that this is preserved. So I'm going to see
14 what happens when I try to open it. I'm going to stop
15 sharing.

16 THE COURT REPORTER: Judge, can you tell me
17 what the exhibit number was?

18 JUDGE JACOBS: 100. Staff's exhibits are
19 starting at 100, their first exhibit.

20 THE COURT REPORTER: The reason I asked was I
21 think you referred to it as Staff Exhibit 1. I just
22 wanted to clear that up.

23 JUDGE JACOBS: Please. Yes, it should be
24 Staff's Exhibit 100. Okay. So Ms. Bretz, do you have
25 any additional questions for Mr. Harris?

1 MS. BRETZ: No, that's all. Thank you.

2 JUDGE JACOBS: Is there any cross-examination
3 from Missouri-American?

4 MS. HERNANDEZ: No questions. Thank you.

5 QUESTIONS BY JUDGE JACOBS:

6 Q. Okay. Mr. Harris, when you were at the Garham
7 Drive house in October 2019 with the Missouri-American
8 representative, where did you go in and around the house
9 with that person?

10 A. Well, when he came in the house, the only
11 thing he did was go to the basement, look at the meter
12 and say that he seen no leaks so there was no reason to
13 put a dye in the toilets to find out if there was a
14 leak. But going around the house, he didn't do that.

15 Q. So he didn't look at the bathrooms or the
16 kitchen, anything?

17 A. Walked in and looked at the meter. He looked
18 at a bathroom on his way out the door. That was the
19 bathroom down the steps in the basement.

20 Q. Okay. And apparently there was some
21 discussion of possibly using dye to determine if you had
22 a leak?

23 A. Yeah. He said he didn't want to do it because
24 he didn't see a leak.

25 Q. Okay. Did you ask him to do it?

1 A. No. Because there was no leaks. There wasn't
2 any reason for him to do it.

3 JUDGE JACOBS: Okay. That was the only
4 additional question that I had. If we have questions
5 from Commissioners, they're welcome to speak up and ask
6 questions of Mr. Harris. Is there any recross from
7 Staff based on the single question that I asked?

8 MS. BRETZ: No, thank you.

9 JUDGE JACOBS: And the Company?

10 MS. HERNANDEZ: No questions.

11 JUDGE JACOBS: All right. So I understand
12 that this was a very arduous process here for you, Mr.
13 Harris. I appreciate your getting through these many
14 hours of testimony today. So thank you very much for
15 appearing. So we will be ready to proceed and hear from
16 your first witness. Let's see here. I would like to
17 hear from Ms. Tucker first if that's possible if Ms.
18 Tucker is with us. Is Ms. Cicely Tucker on the line? I
19 did have to mute some of the phone lines because I was
20 getting noise from them. You might have to press *6 if
21 you're trying to speak up and we can't hear you right
22 now. That should unmute your line. Do we have Ms.
23 Tucker with us?

24 MS. TUCKER: Can you hear me?

25 JUDGE JACOBS: Yes, Ms. Tucker, I can hear

1 you.

2 MS. TUCKER: Okay. I had to do the *6 because
3 apparently I was muted on your end.

4 JUDGE JACOBS: Yes. I appreciate you figuring
5 that out. So Mr. Harris, if you can mute your line,
6 please, sir, for a minute here and we will get Ms.
7 Tucker going. All right. So first we're hearing from
8 Ms. Cicely Tucker. Ms. Tucker, could you raise your
9 right hand, please?

10 (Witness sworn.)

11 JUDGE JACOBS: Thank you very much. Okay. So
12 I'm going to give Mr. Harris an opportunity to ask you
13 some questions and then I will follow up with you. Mr.
14 Harris, did you want a chance to ask Ms. Tucker
15 questions before she starts answering questions from me?
16 We asked you to mute, sir.

17 MR. HARRIS: You want me to unmute?

18 JUDGE JACOBS: Yeah, I just wanted to know.
19 Typically a lawyer presenting a witness is going to ask
20 that person questions. I understand that you're not a
21 lawyer. So you have asked Ms. Tucker to show up here
22 today. Did you want to lead her through her testimony
23 here today by asking her questions or do you want me to
24 just give her a chance to make a statement and then I
25 can ask her questions?

1 MR. HARRIS: Yeah, you can do it.

2 JUDGE JACOBS: Okay. Thank you, Mr. Harris.

3 All right. You can mute now, Mr. Harris.

4 QUESTIONS BY JUDGE JACOBS:

5 Q. All right. Ms. Tucker, what is your
6 understanding of why you've been asked to give testimony
7 today, ma'am?

8 A. That there is an improper bill that does not
9 reflect the usage at the house from the water company.

10 Q. Okay. And from the testimony we've heard from
11 Mr. Harris, you've had a role in taking care of the
12 house on Garham Drive; is that right?

13 A. That's correct.

14 Q. Okay. And how long have you been helping Mr.
15 Harris with the house?

16 A. Well, I've been married to his nephew going on
17 25 years. So off and on that long. Even more since
18 they actually moved to Arkansas though.

19 Q. Okay. Were you married to Mr. Tucker before
20 your mother and Mr. Harris got married?

21 A. Yes, ma'am.

22 Q. Okay. And Ms. Bonita Harris is your mom; is
23 that right?

24 A. That's correct.

25 Q. Okay. And you live in St. Louis?

1 A. I do. I live in the city. His home is in the
2 county. It's in the outskirts.

3 Q. Okay. In 2019 and 2020, did you live in the
4 same place or did you move?

5 A. No, I live in the same home. I've lived in
6 that home for about 13 years, 14 years.

7 Q. I'm going to be asking you about how far it is
8 from your house to the Garham Drive house. I just
9 wanted to make sure I was asking about the right place.
10 So how far is your --

11 A. About 25 minutes give or take traffic.

12 Q. Mr. Harris told us that you work in the area
13 of his house?

14 A. I work about 15 minutes or so from his house.

15 Q. Okay. And how often do you visit the house on
16 Garham Drive or more importantly how often were you
17 visiting that house on the summer of 2019?

18 A. In December specifically? I could give you an
19 average of how often I usually go by the house either
20 like getting off duty or something like that. I usually
21 go by regularly three to four times a month.

22 Q. Okay. So --

23 A. Sometimes it might be more often like in the
24 summertime when we're doing the grass and stuff like
25 that. On a regular I just go by just to check on

1 everything.

2 Q. So three to four times a month is going to be
3 visiting the house once a week?

4 A. About once a week except in the summertime.

5 Q. Okay. And during the summertime was that
6 whenever the grass has to be cut?

7 A. Yes, ma'am. Or if he asks me to go look for
8 something specific in the mail or anything additional
9 that I need to go double check or go see if I'm in the
10 neighborhood shopping or whatever.

11 Q. Okay. So your baseline visit is about once a
12 week, and then in the summer the lawn has to be taken
13 care of -- the grass has to be cut. That means someone
14 has to go over there and do that?

15 A. Yes. I usually take my kids with me.

16 Q. Is that in addition to the other visits or is
17 that just your weekly visit because you have to cut the
18 grass?

19 A. Sometimes it's in addition to. Not
20 necessarily all the time. Sometimes I'll go over there
21 just to check the house.

22 Q. Is there a mailbox? I apologize for
23 interrupting you.

24 A. That's okay. I'm sorry.

25 Q. I'm getting an echo off of a line. I'm not

1 sure where it's coming from. Is there a mailbox
2 attached to the outside of the house or does mail go
3 inside on a slot?

4 A. The mailbox is outside of the house right next
5 to the garage.

6 Q. So do you always go in the house when you
7 check on the house?

8 A. I do. It's rare that I don't go in. It might
9 only be that I may have forgotten the key. After I did
10 that once or twice, I just put the key on my car keys.
11 I have it all the time regularly.

12 Q. Do you have a routine when you stop by the
13 house to check on it?

14 A. Yes, pretty much. I get out of my car. First
15 thing I do usually is check the mail, check the front
16 door. Both doors are locked, the outside door and the
17 inside door like the screen glass door is locked.
18 Sometimes I check and make sure there's no mail. Every
19 now and then I'll find pieces of communications that may
20 have fallen off the door and they're in the bushes like
21 in the grass or next to the porch. So I check that.
22 And then I walk around the house because the
23 air-conditioning unit and stuff like that are outside on
24 the other side of the house, not on the side of the
25 driveway. So I go walk around the outside of the house.

1 Then I go in usually. I turn off the alarm and such,
2 check the heat, make sure it feels good in there and
3 everything. I go in the basement, check everything,
4 make sure there's nothing going on. I flush the
5 toilets. Sometimes they dry up a little bit. So it
6 depends on if I think they need to be flushed. Check
7 the refrigerator, make sure nothing is going bad in the
8 refrigerator. I just walk around. It's not that big of
9 a space to walk around. It's like three little bedrooms
10 and the bathrooms and the kitchen, living room. I water
11 the plants to make sure the plants don't die. Checking
12 out everything. I usually call my mother or uncle to
13 let them know I'm in the house because they have cameras
14 in the house. They'll call me sometimes if they see me
15 moving around the house. They'll tell me if they want
16 us something else specific like if he wants me to change
17 the temperature on the thermostat or how does it feel in
18 the house, the windows are okay. I usually check it all
19 because it's easy to check. It only takes a few
20 minutes.

21 Q. Okay.

22 A. And they have a shed in the backyard that I
23 check because it's locked up. I don't think anything is
24 in there special but it is closed so that no one can
25 just hang out in there or anything like that. It's

1 locked. They keep a lock on it.

2 Q. So Mr. Harris testified that he moved away and
3 no longer lived there full time in 2005. This would be
4 at least 15 years approximately that sounds like you
5 according to your testimony you've been checking on the
6 house; is that right?

7 A. Yeah. I mean, even when he lived there we
8 used to go out there all the time to check on them just
9 to go visit and such and check on the house if they
10 decided to go anywhere or do anything extra. It's just
11 the norm, yes, ma'am. So I can say that we've been out
12 there. If it wasn't just me, it might have been my
13 husband or all of us at some point. When we go take
14 care of the yard, we tag team it. We all go together.
15 But if it's not me, then it's my husband Andre.

16 Q. If you -- In all that time that you've been
17 checking on the house, and you said it's about once a
18 week, did you ever find anything unusual in those 15 or
19 so years?

20 A. You mean as far as the house or something on
21 around the house?

22 Q. Like a problem with the house, a problem with
23 the neighbor, a problem with the house, something that
24 needed to be fixed, something that you were concerned
25 about?

1 A. I don't remember other than the porch light
2 was out before and I changed it. I have to change them
3 out. Usually nothing is going on over there. The
4 neighbor parks in the driveway often. So every now and
5 then if sees us come over he'll come move his vehicle so
6 that we can park if we're staying for a minute to clean
7 up or take care of the yard or something like that.
8 Inside the house or anything or even outside, no, not
9 really. Nothing has been going on. It's pretty quiet.

10 Q. So I would imagine you would have already told
11 us if you had found a leak, if you'd found a running
12 faucet, if you'd found a garden hose laying in the yard
13 with water running out of it, anything like that?

14 A. Absolutely. I would have called him about
15 that, yes, ma'am. No, there hasn't been any lines
16 connected to either spicket, the front one or the back
17 one. Just things to look for the yard hasn't been soggy
18 or any of that unless it rained outside. But there was
19 -- I was just going to say there was a little bit of
20 condensation water where it left little trails out of
21 that door that you were describing that goes into the
22 laundry area where that little hose is. I might have
23 kicked the hose out of the way or something that goes
24 directly into the drain. Nothing specific that would be
25 alarming. I usually call them like with the bills and

1 stuff like that to make sure they're aware of them and
2 he pays most of them online. Depending on what it is, I
3 mail it and then sometimes I don't if he doesn't have to
4 have it.

5 Q. Have you ever used the outside water spickets
6 for anything?

7 A. No. We're not watering the yard or anything
8 like that. When we go cut, we strictly go cut and blow
9 all the grass and clean up afterwards. The closest
10 thing we could say that we use the water if we need to
11 use the restroom or drink water. That's it. We don't
12 shower over there or use water outside or anything like
13 that, no.

14 Q. Do you use the washer and dryer?

15 A. No, ma'am. Based on when we cut their grass
16 we cut my mother-in-law's grass and our grass and we
17 just make a day of cutting grass.

18 Q. Have you given anybody access to the house?

19 A. No.

20 Q. And Mr. Harris told us that you have a code to
21 get in, that your husband has the code to get in. Do
22 you know of anyone else other than Mr. Harris and your
23 mom who have the code to get into the house?

24 A. No one else has the code to get in the house.
25 I will say that my brother Antonio if he needs to get in

1 the house, which he hasn't been there a lot. If he
2 needs to get in the house, of course, I'll go let him
3 in, but I don't think he even knows the code. He
4 doesn't really frequent over there because he's usually
5 over-the-road driving.

6 Q. Do you talk to the neighbors when you visit
7 the house?

8 A. Yes, I do. On the one side I don't see her
9 very often. If you're facing the house, the left side,
10 I don't see her very often at all. The neighbor on the
11 right side, I speak to them. We don't have a
12 relationship, but I do speak to them and their children.
13 Get the ball when the ball flies across the yard or
14 whatever like that for the kids and then the neighbor
15 across the street that keeps an eye on the house, we
16 talk more regularly and he has a little grandson that I
17 buy gifts for for Christmas, stuff like that. We're a
18 little bit more cordial, the one that parks there.

19 Q. Do you think that folks on the street know
20 that Mr. Harris and your mom don't live in the house
21 full time?

22 A. I'm sure that they know that they're not there
23 all the time because there's not too much traffic over
24 there and then the neighbor across the street parks in
25 the driveway. But when they are there, they park inside

1 of the garage. So no one knows when they pop up and
2 visit. They just pop up whenever. It was no plans. So
3 when they popped up unless it was a holiday and then
4 somebody might have thought about me cleaning up. I
5 can't say that anybody cares really.

6 Q. Have you ever had to file a police report or
7 any kind of complaints about any of the neighbors?

8 A. No.

9 Q. Are you aware of any complaints or conflicts
10 between Mr. Harris or your mom and the neighbors on the
11 street?

12 A. No. I do remember one time. Let me see if I
13 can think about it. One time the police came over
14 because they called me to come from work. I can't
15 remember when it was. The police were in the house
16 believing that someone broke in the house but it turned
17 out to be nothing other than the police dogs tearing up
18 stuff. And I cannot state that. It's been awhile ago,
19 a long time ago. Like at least -- shoot, my kids were
20 probably little. They're 16 and 18 now. So it's been a
21 long time ago.

22 Q. Do your kids have access to the house?

23 A. No. Neither one of them drive. So they don't
24 get over there unless I take them.

25 Q. Do they have the code to get in the house?

1 A. No.

2 Q. Okay. Did you ever observe anyone on the
3 street that had a swimming pool?

4 A. Observe, no.

5 Q. So?

6 A. That doesn't mean that people might not have a
7 pop up pool or something like that. Was it what the
8 other person was referring to with the Google picture, I
9 didn't know -- well, you couldn't hear me because
10 apparently I was on mute. I was asking if I could
11 object to the picture just because if it happened in
12 October, nobody is putting up a pool in October. And we
13 don't know about the dating on the pictures. Their
14 pictures even show an old picture of our home right now
15 that we are standing in. So that doesn't give any kind
16 of indications that are relevant when or how. So I
17 mean, that doesn't mean people don't use pop up pools.
18 But a pop up pool, they're not going to use as much
19 water. Then it was an inclement time.

20 Q. So my understanding is the second period of
21 high water bill ran in August into September which in
22 Missouri is often pretty warm. Is that not your
23 understanding about that high water bill?

24 A. Wasn't there one that you said was October or
25 I thought I heard.

1 Q. The disconnection was September 29, 2020. So
2 it would have been for the quarter before that. That's
3 going to be July, August, September.

4 A. Yes, ma'am, that's true. But pop up pool is
5 not going -- nobody has like an in ground or above
6 ground pool that's permanent. It would be if anybody
7 did that or like on that picture if it's a pop up pool
8 then it's still not going to use that much water. It
9 has to go across somebody else's yard in order to do
10 that.

11 Q. After the information came in about these high
12 water bills, did you or your husband do anything to try
13 to figure out what might be causing them?

14 A. Other than assuring that -- We had already
15 turned off the water like to the washer and dryer and
16 stuff like that, all of the things that needed the
17 water, because even we didn't want anything to leak if
18 anything -- that's part of the reason for keeping the
19 house at a good temperature to keep the pipes from
20 bursting in the wintertime and stuff like that. We made
21 sure that the water was turned off from the wall on the
22 washer and the toilets and stuff like that. The water
23 heater. I then turned the gas off on the water heater
24 when they didn't come back for -- I think COVID started.
25 I might have turned it off before then. But I don't

1 remember when I turned it off. I know I turned off the
2 gas on the water heater and water flow just to make sure
3 there wasn't anything leaking. Other than calling my
4 uncle and my mother and telling my husband and my
5 brother about it just to make sure that they keep an eye
6 out for anything and walking the perimeter of the house
7 making sure that the yard wasn't soggy in a spot or
8 anything like that because their house is almost in the
9 middle of a hill. The right neighbor is at a lower
10 height than his home and then his home, my uncle's home
11 is at a lower height than the neighbor on the left side.
12 So it kind of rolls downhill like that. So none of the
13 neighbors noticed anything, and that's about all I could
14 do at that point was make sure that he was notified.

15 Q. So what do you mean by none of the neighbors
16 noticed anything? Who did you talk to?

17 A. The neighbor directly next door. I don't know
18 their name. But just speaking to them casually they
19 hadn't noticed anything as far as the water coming down
20 their way and that's the same neighbor that the hose
21 would have crossed over their yard in order to fill up
22 somebody else's pool as indicated by the other person.

23 Q. Okay. Is there anything else that you wanted
24 to tell us about this situation, ma'am?

25 A. No, not that I can think of offhand. We just

1 thought it was not normal. Even our house, our house is
2 3,500 square feet with eight bedrooms and such and we
3 have five people in our house that live here everyday
4 and we don't use that much water at all. We knew it was
5 weird.

6 Q. Ms. Tucker, I'm sorry. I interrupted you. I
7 don't think I did a very good of making sure that you
8 spelled your name for the record for us. Would you
9 please spell your name?

10 A. Yes, ma'am. My name is Cicely Tucker,
11 C-i-c-e-l-y T-u-c-k-e-r.

12 Q. Okay. And you're married to Mr. Andre Tucker;
13 is that right?

14 A. Yes, ma'am, that's correct.

15 Q. And you told us that I've heard earlier in
16 testimony that you have two children?

17 A. Yes, ma'am.

18 Q. Is there another member of your household --
19 You said you had five people in your house. I'm
20 wondering if there's another member of your household?

21 A. My brother. My brother Antonio Bell.

22 Q. Okay. So Antonio Bell lives with you and he's
23 another person who has access to the house at times; is
24 that right?

25 A. Yes, ma'am. He's primarily on the road. He

1 does have his own home here. He's most of the time over
2 here just for company sake I guess.

3 JUDGE JACOBS: All right. Mr. Harris, did you
4 have any questions for Ms. Tucker before I let the other
5 parties ask questions?

6 MR. HARRIS: No, I don't have any questions.

7 JUDGE JACOBS: All right. Are there any
8 questions from Staff?

9 MS. BRETZ: Yes, Judge. I just have a few.
10 I'll turn off the video just to make sure it's clear.

11 CROSS-EXAMINATION BY MS. TUCKER:

12 Q. Good afternoon, Ms. Tucker. Hello.

13 A. Good afternoon.

14 Q. Did you ever talk with Mr. Harris or Ms.
15 Harris about Missouri-American changing his meter?

16 A. Yes, ma'am. I believe so. I believe that I
17 found a notice before about them being able to try to
18 get -- you being able to try to get into the home. No
19 one ever contacted me though directly. Were you able to
20 hear me?

21 Q. Yes, I did. I think you misunderstand. I
22 represent the Staff of the Commission. I don't
23 represent Missouri-American.

24 A. Okay. Yes, ma'am, yes, ma'am. Okay. So I
25 have spoken to him only related to the mail or notices

1 that I found at the house about the water. So if I
2 found a notice, I have found like one of them that was
3 in the bushes but I did find a notice in, of course, the
4 mail, the regular mail that comes and I notified him so
5 that was when we talked about it.

6 Q. Did you ever talk with Mr. Harris about
7 arranging it so you could be at the house so
8 Missouri-American could change the meter?

9 A. He never like set it up for me directly
10 because of my work schedule, but he told me that they
11 might call me or something like that. And I never heard
12 anything from them as far as trying to get in the home.
13 My work schedule, I work 24-hour shifts. When I go in
14 and get off, it's rotating. I don't work the same days
15 every week. So that's why I make it over there. I
16 usually go after I get off duty in the morning when I'm
17 still in uniform. I usually go that way to go home.

18 MS. BRETZ: Okay. Thank you. I don't have
19 anything else.

20 JUDGE JACOBS: Are there any questions from
21 Missouri-American for Ms. Tucker?

22 MS. HERNANDEZ: Yes, a few.

23 CROSS-EXAMINATION BY MS. HERNANDEZ:

24 Q. Ms. Tucker, this is Jennifer Hernandez. I
25 represent Missouri-American. Is there a typical time of

1 day that you usually visit the home to do your check-in?

2 A. Normally in the morning when I get off work.
3 I usually get off work about seven o'clock give or take
4 because we're relieved person for person. That's not
5 always the case. If I am shopping in the area, there
6 are stores over there that are not in my neighborhood.
7 Or the grass is being cut we don't go first thing in the
8 morning to wake up the neighbors. It depends on what
9 I'm doing. Most of the trips over there though are
10 first thing in the morning.

11 Q. Okay. And how long do you stay during each
12 visit if you're not cutting grass?

13 A. If I'm not cutting grass and making my rounds
14 per se, 15, 20 minutes to cover everything that I want
15 to cover. Like I said, watering the plants, walking the
16 yard, making sure the AC units outside are okay, know
17 they're not being tampered with and stuff like that.
18 I'd say 15 to 20 minutes, because I go in and go in the
19 basement. I unlock -- The garage is always locked up.
20 There's an outside door to the garage and the overhead
21 door. So I make sure that's locked. Then I also take
22 the key and unlock it to make sure nothing is going on
23 in there either. It just depends. 15, 20 minutes.

24 Q. Okay. And you mentioned that you flush the
25 toilets when you're in there. Do you flush all three

1 toilets?

2 A. Not necessarily, no. It depends on if I think
3 -- like sometimes you know how the water evaporates out
4 of the toilet and sometimes they get dirty looking. So
5 I would clean the toilet and flush it just to make sure
6 it's okay. And I know to wait until it's done because I
7 know what it sounds like for a toilet to run. And I
8 know if we're not going to be there we don't want it to
9 be wasting water. I stand there. I usually, I don't
10 know, I'm that person that's kind of a little bit OCD
11 about stuff. So I stand there waiting until it's done
12 running, filling back up. I usually turn the water off
13 too. I let it fill up and then I turn the water off on
14 the wall.

15 Q. You turn --

16 A. I'm one of those person that usually has to
17 use the restroom. So I use the restroom sometimes and
18 then I turn it on and flush it, let it fill back up and
19 then I turn the water off.

20 Q. Have you ever forgotten to turn it back off?

21 A. I cannot say that I have, but I'm one of those
22 that's particular if I must say about little things like
23 that that I even my kids could probably tell you more
24 than me that I'm kind of picky about things. Usually I
25 don't forget. I can't say that I've not ever forgotten.

1 That's not possible probably. But it's not likely that
2 I forgot, put it that way. I have a routine that I do
3 the same way over and over. And then if it changes,
4 then I'm meticulous about going back to where I started
5 and then finishing what I was doing, if that makes
6 sense.

7 MS. HERNANDEZ: I think that's all the
8 questions I have. Thank you.

9 QUESTIONS BY JUDGE JACOBS:

10 Q. Okay. Ms. Tucker, Mr. Harris testified that
11 you provided several images for him that you took photos
12 of the house?

13 A. Yes, ma'am.

14 Q. Do you remember doing that?

15 A. I do that regularly.

16 Q. Then do you text those or email them to your
17 mom or Mr. Harris?

18 A. I usually text them, but every now and there
19 their phones don't get the pictures right away so then I
20 also email them and/or just email them.

21 Q. When did you start taking pictures --

22 A. I ask them which pieces of the mail that he
23 would like to see and then sometimes which pieces of
24 mail would he like to actually receive. So like I said
25 earlier, he likes to pay his bills via online. So he

1 takes care of most of them online and then he'll tell me
2 which ones to mail him and which ones to take a good
3 picture of and send.

4 Q. So when did you start taking pictures of the
5 meter?

6 A. I could probably -- Let me see if I can look
7 back a little bit on my messages just to kind of get an
8 idea. I don't remember if it was before the first time
9 that the pictures -- I'm sorry, the problem with the
10 water was or not, but I know I usually take pictures
11 around the house anyway just to show them that we're
12 there. Like I'll even take pictures of the grass and
13 say hey, we're over at the house, everything looks good,
14 look at the flowers growing, stuff like that. The first
15 picture is August 31 and that's of the yard. I'm sure I
16 sent more than that. I'm not sure because it is a new
17 phone.

18 Q. So before the high water bill problem started,
19 was taking pictures of the meter something that you
20 would do?

21 A. Maybe not necessarily of the meter but of the
22 home.

23 Q. I'm asking -- I'm sorry. I'm asking about the
24 meter.

25 A. I'm going to say maybe when it starts. Maybe

1 -- I can't remember if it was the first time or the
2 second time the water went up. I know that he asked me
3 to start taking pictures. So it may have been after,
4 maybe just after the first time that they gave him the
5 large bill and then all the time since then. Does that
6 make sense?

7 Q. Sure.

8 A. I can't say if it was before the water spike.

9 Q. Do you work full time?

10 A. Yes, ma'am. I work rotating shift. My hours
11 vary but we do 24-hour shifts for the fire department.

12 Q. Did I hear that you're a firefighter or you
13 work for the fire department?

14 A. Yes, ma'am. I'm a firefighter paramedic with
15 the City of St. Louis.

16 Q. Thank you very much. I appreciate that. So
17 you work full time. You have two kids, two teenagers
18 apparently, right?

19 A. Yes, ma'am.

20 Q. And a husband and a house of your own to take
21 care of?

22 A. Yes, ma'am.

23 Q. For the past 15 years you've also come over
24 and taken care of this house?

25 A. Yes, ma'am.

1 Q. You told us it's usually once a week that
2 you're doing that?

3 A. Yes, ma'am.

4 Q. Walking all around the house, checking
5 toilets, turning water off and on everytime you use the
6 toilet, watering plants?

7 A. That's right.

8 Q. Opening people's mail, communicating with them
9 about their mail.

10 A. Yes, ma'am.

11 Q. This is something that you do when your
12 24-hour shifts are over?

13 A. Either right before or after. Sometimes I go
14 over at night before I go into work.

15 Q. Okay.

16 A. I usually go in the morning, but every now and
17 then I'll go in the evening.

18 Q. It sounds like quite a job to volunteer for,
19 quite a bit of work.

20 A. I can't say that. It's my mother. I speak to
21 her almost everyday and him, but I don't have a problem
22 doing that. That's just something that I call part of
23 being a family, you know. You help each other out and
24 take care of them. Their house isn't the house we go
25 help at. I told you we go to my mother-in-law's house

1 all the time and help them, whether it be to cook out
2 for them or help clean up. We were going to go cut the
3 grass today over there but it rained.

4 Q. I just wanted to --

5 A. We do it.

6 Q. It's quite a bit -- It's a time commitment and
7 it sounds like you might be in a hurry occasionally when
8 you're stopping by.

9 A. No, it's not a lot of work to me. I take
10 pride in doing that for them because they deserve that.

11 JUDGE JACOBS: Are there any recross questions
12 from Staff?

13 MS. BRETZ: No. Thanks, Judge.

14 JUDGE JACOBS: Okay. And from the Company?

15 MS. HERNANDEZ: No questions.

16 JUDGE JACOBS: Thank you very much. Ms.
17 Tucker, I want to thank you for being available for this
18 entire time and for your testimony today. I appreciate
19 it.

20 THE WITNESS: Thank you, ma'am.

21 JUDGE JACOBS: Thank you. Mr. Harris, let's
22 see here. We are going to have to take a 10-minute
23 break for our court reporter. I am going to -- actually
24 I'm going to make that 15 minutes. Before we break --

25 MS. TUCKER: Your Honor, can I make one more

1 point before we go?

2 JUDGE JACOBS: Ms. Tucker, yes, go ahead.
3 Please make it brief.

4 MS. TUCKER: Yes, ma'am. I just wanted to say
5 that my work schedule allows me a lot of time off. I
6 work 10 to 11 days a month when I go to work.

7 JUDGE JACOBS: I opened up that can of worms
8 for you. I appreciate your clarifying that for me. So
9 you work full time but you work 24-hour shifts?

10 MS. TUCKER: Yes, ma'am. I work 24-hours a
11 day. I only work 10, 11 days a month.

12 JUDGE JACOBS: Okay. Thank you for clarifying
13 that. Okay. We're going to move on now. We do need to
14 take a break, but I need to have the parties thinking
15 about what we're going to do to wrap up the hearing. It
16 looks fairly likely that we'll have to reconvene
17 hopefully tomorrow. If you guys could think about when
18 we could get back together tomorrow or Thursday to
19 finish up the hearing with Staff's witnesses and the
20 Company's witnesses. We'll try to get finished with Mr.
21 Harris' witnesses to the best of our ability. Given the
22 questions that I know I have to ask of Staff's witnesses
23 and the Company's witness, I don't think it's realistic
24 that this is wrapping up this evening. So if everyone
25 could think about whether you're available to start up

1 tomorrow morning or tomorrow afternoon or Thursday
2 morning and get everything wrapped up on Thursday, I
3 would appreciate hearing from you when we get back
4 together. So let's break now until 4:25 which is a
5 15-minute break and then we will take as many more
6 witnesses as we can and talk about how we're going to
7 wrap up our hearing. So we are off the record now until
8 4:25. Thank you.

9 (Off the record.)

10 JUDGE JACOBS: We can go ahead and go back on
11 the record. This is in the hearing in File No.
12 WC-2021-0129. Mr. Harris, there you are, sir. Okay.
13 So we have Mr. Harris with us. I do have counsel.
14 We're back on the record and we can proceed today.
15 I was hoping that we could hear from Mr. Andre Tucker if
16 that was possible. Do we have Mr. Tucker on the line?

17 MR. TUCKER: Yes, I'm here.

18 JUDGE JACOBS: Thank you very much, sir.
19 Would you go ahead and spell your name for the record,
20 please?

21 THE WITNESS: Andre, A-n-d-r-e, Tucker,
22 T-u-c-k-e-r.

23 JUDGE JACOBS: Thank you very much, sir. I'm
24 going to ask you to raise your right hand.

25 (Witness sworn.)

1 JUDGE JACOBS: Thank you very much. Okay.
2 You've been sworn. And as with the previous witness,
3 Mr. Harris, I'm assuming that you just want to proceed
4 and let Mr. Tucker make his statement and then I can ask
5 questions; is that correct, sir?

6 MR. HARRIS: Yes, that's correct.

7 JUDGE JACOBS: Okay. So that is what we will
8 do.

9 ANDRE TUCKER, being sworn, testified as follows:

10 QUESTIONS BY JUDGE JACOBS:

11 Q. Okay. Mr. Tucker, can you tell us what your
12 relationship is to Mr. Harris?

13 A. Yes, he's my uncle.

14 Q. Okay. And you live in St. Louis as well. We
15 just heard from your wife who is Cicely Tucker; is that
16 right?

17 A. Yes.

18 Q. Okay. And your wife Cicely Tucker is Mr.
19 Harris' wife's daughter; is that correct?

20 A. Yes.

21 Q. Okay. And do you also visit the house on
22 Garham Drive occasionally?

23 A. Yes.

24 Q. Do you have a routine that you follow when you
25 visit the house?

1 A. Yes.

2 Q. Okay. What do you do, sir?

3 A. First I'll get the mail out of the box and
4 then do an exterior search, not a search, but exterior
5 review of the property and then I'll go in and do an
6 interior of the property. I will check the sinks, the
7 toilets, the furnace, make sure that there's nothing --

8 Q. Mr. Tucker, we can't hear you. The last I
9 heard from Mr. Tucker I heard make sure there isn't
10 any --

11 A. Can you hear me now?

12 Q. Now I can hear you. Mr. Harris, could you
13 mute your line, please. We have another line that's
14 noisy. Let's try it again with Mr. Andre Tucker. Go
15 ahead, sir.

16 THE WITNESS: I don't know what you -- but I
17 can start over. Like I said, I get the mail out, do an
18 exterior look around and then I'll go inside and do an
19 interior, check the sinks, the toilets, the thermostat,
20 see what temperature it is in the house, then go down in
21 the basement and check the furnace and the water heater.
22 Then I come back up. That's pretty much my routine when
23 I go in.

24 BY JUDGE JACOBS:

25 Q. And how often are you visiting the house?

1 A. I usually will go on the days when she has to
2 go to work or I'll usually go with her and the kids to
3 go and cut the grass. I maybe only go in the summer
4 months maybe twice a month. In the wintertime, I may
5 only go once a month.

6 Q. Okay. So you go more often in the summer
7 because you're involved in helping cut the grass?

8 A. Right. What kind of guy would I be to make my
9 wife and kids cut the grass.

10 Q. That's the truth. So have you ever observed
11 anything around the house that indicated that there was
12 any kind of leak or unusual amount of water or anything
13 like that, running toilets, leaky faucets?

14 A. No, which actually was kind of surprising that
15 when my wife and my uncle let me know about the bill
16 situation because, like I said, when I do the exterior,
17 that's one of the things that I looked at that I would
18 look for and also when I go in the interior is there any
19 kind of standing water, you know, because I know we'll
20 -- I own -- we own three other properties also. So when
21 I do an inspection of a house, then that's one of the
22 first things you look for is leaky toilets, any kind of
23 standing water because that's going to be a problem. So
24 everytime I've been there over the years I've never seen
25 any water leaking in there ever.

1 Q. Okay. When you go to visit the house, do you
2 bring anybody with you?

3 A. No. When I usually go, I usually go by
4 myself. Every now and again me and her would be
5 together, you know, like I said, either with the kids,
6 but most of the time I go by myself because I go on my
7 way to work also.

8 Q. And how far --

9 A. Or when I come home from work.

10 Q. I'm sorry that I interrupted you, sir. How
11 far is your workplace from the Garham Drive house?

12 A. I'd say about 15 minutes.

13 Q. Have you ever found -- or I'm sorry. Have you
14 ever used the outside water spickets on this house?

15 A. No. We don't turn the water on on the outside
16 at all. In the whole time he's been gone we've never
17 turned the outside water on. Even when he was here I've
18 never turned his water on. That's kind of strange now
19 that I think about it. I've never seen him turn it on,
20 as a matter of fact.

21 Q. Some of the information that Mr. Harris had
22 submitted earlier had indicated that he thought the
23 touchpad had been removed from the house. Do you know
24 if that touchpad that Missouri-American uses is still on
25 the house?

1 A. If it's that little black thing that looks
2 like I guess it's rubber or plastic or something and
3 it's got like a little, I don't know, looks like a
4 little metal piece in the middle of it, if that's what
5 they're referring to, then yes, that is still there.
6 When you say a touchpad, when I think of a touchpad I'm
7 thinking of something that you physically touch. I
8 guess they must touch it with some kind of scanner or
9 something.

10 Q. Okay. Have you ever filed a police report or
11 any kind of complaint based on anything going on in the
12 neighborhood around the house?

13 A. No.

14 Q. Do you know the neighbors in the area?

15 A. Just the guy that lives across the street.

16 Q. Have you ever noticed that any of the
17 neighbors had a swimming pool of any kind in the
18 neighborhood?

19 A. Not that I can recall.

20 Q. Okay. When you visit the house, do you go
21 inside the house?

22 A. Yes, everytime.

23 Q. Do you ever use the house at all? Do you guys
24 use it just to hang out, have people over, have meals?

25 A. No.

1 Q. Okay. Have you given anyone permission to use
2 the house?

3 A. No.

4 Q. Who has the code for the burglar alarm?

5 A. My uncle and his wife and me -- and Cicely and
6 I. And hell, I forget sometimes. I have to call her
7 and ask her. I've got it actually or get it on my
8 phone.

9 Q. All right. Is there anything else that you
10 would like to tell us about the situation with the house
11 on Garham Drive and the high water bills, sir?

12 A. Like I said, I'm no subject matter expert on
13 plumbing or anything like that. Like I said, I've owned
14 three additional properties besides this one for about
15 15 years and I have to do inspections on my own houses,
16 my rental properties. And with the amount of water that
17 they're talking about, if you had any kind of leak of
18 that significance, there would be some kind of standing
19 water on the exterior and there would definitely be some
20 water in the interior. It's not possible to have that
21 kind of water usage or some kind of leak and not have
22 any visible signs. And if it was a problem, I would
23 have notified him immediately and I would have took it
24 upon myself to get somebody over there to take care of
25 the problem knowing that, you know, he's all the way in

1 Arkansas. Other than that, I really don't have anything
2 else to add.

3 JUDGE JACOBS: Okay. Mr. Harris, did you want
4 to ask Mr. Tucker any questions, sir?

5 MR. HARRIS: No.

6 JUDGE JACOBS: Thank you. I'm going to ask
7 now does Staff counsel have any questions for
8 Mr. Tucker?

9 MS. BRETZ: Yes, a few. Thank you, Judge.
10 I'll turn my audio off to make it go more smoothly. I
11 mean, my video.

12 CROSS-EXAMINATION BY MS. BRETZ:

13 Q. Good afternoon, Mr. Tucker. My name is Karen
14 Bretz. I represent the Staff of the Commission and we
15 talked I guess it's been about two or three weeks ago.
16 You remember talking with me?

17 A. Yes, I do.

18 Q. What's your work schedule?

19 A. I usually work from anywhere from 8:30 to 5:00
20 or sometimes I go in late and I'll work from about 11:00
21 to 7:00.

22 Q. Is that Monday through Friday then?

23 A. No, I work -- Sometimes I work six days a
24 week. I may work Monday through Saturday.

25 Q. Okay. Did Mr. Harris or Ms. Harris ever talk

1 with you about being at the house so Missouri-American
2 could change the meter?

3 A. Not that I can recall. If he would have made
4 a call like that, he probably would have tried to get my
5 wife because she's off so many days as opposed to me.
6 No, not that I can remember.

7 Q. So you think it would have been easier for
8 your wife to accommodate Missouri-American coming over
9 to change the meter?

10 A. Right. Well, like I said, by me having the
11 other properties, I know how these utility companies
12 work. They want to give you a block of time anywhere
13 from 8:00 to 4:00 or 12:00 to 4:00 and most of the time
14 unless I was actually physically off my schedule
15 wouldn't work with that kind of time frame.

16 MS. BRETZ: Okay. Are you -- That's all I
17 have. Thank you.

18 JUDGE JACOBS: Do we have any questions for
19 Mr. Tucker from the Company?

20 MS. HERNANDEZ: Yes.

21 CROSS-EXAMINATION BY MS. HERNANDEZ:

22 Q. Mr. Tucker, this is Jennifer Hernandez with
23 Missouri-American. When you visit the home, do you
24 typically go during a specific time of day?

25 A. I usually go -- For the majority of the time,

1 I go in the afternoon per se and occasionally I'll go
2 late afternoon. Well, no, I guess late evening after
3 5:00, so in the evening, unless I'm off.

4 Q. Are you typically there like generally around
5 the same time everyday that you do go visit the home?

6 A. Yes, pretty much.

7 Q. Okay. How long do you stay if you're not
8 cutting the grass?

9 A. Maybe about 15 minutes.

10 Q. Do you ever use the toilets in the home when
11 you're there?

12 A. I have before but not that often. But yeah, I
13 have before.

14 MS. HERNANDEZ: I think that's all the
15 questions I have. Thank you.

16 JUDGE JACOBS: Thank you very much, Ms.
17 Hernandez. I apologize for talking over you,
18 Mr. Tucker. Okay. I did not have any additional
19 questions. Commissioner questions could come in at any
20 point if anyone had any. So I believe unless any party
21 has any additional questions we are done with questions
22 for Mr. Tucker.

23 COMMISSIONER COLEMAN: No questions from
24 Commission Coleman.

25 JUDGE JACOBS: Thank you very much,

1 Commissioner. So Mr. Tucker, I want to thank you very
2 much for being with us today. I know that it's been a
3 long hearing for you. I think you've been present for
4 most of the time. Thank you for appearing and giving
5 your testimony today.

6 MR. TUCKER: No problem. Thank you.

7 JUDGE JACOBS: You're excused and I think we
8 have time to hear from Mr. Bell if Mr. Bell is
9 available. Is Mr. Antonio Bell on the line with us?
10 You might have to press *6 if at any point I had to mute
11 your phone line. If you're trying to talk and we can't
12 hear you, you might need to press *6.

13 MR. BELL: Hello.

14 JUDGE JACOBS: Great. Thank you, sir. We can
15 hear you. Is this Antonio Bell?

16 MR. BELL: Yes.

17 JUDGE JACOBS: Okay, sir. So I can hear a lot
18 of communication on your line. Is there a quiet place
19 that you can go? Can you hear me, Mr. Bell? Okay. So
20 if you're on a phone line and you're Mr. Bell, press *6,
21 make sure that we can hear you. We'll figure out which
22 line. I couldn't tell which line was making the noise
23 and if it was yours or not. Are you able to get to a
24 quiet place?

25 MR. BELL: I'm in a quiet place.

1 JUDGE JACOBS: Okay. Great. So it must have
2 been someone else's. Are you using a speaker phone?

3 MR. BELL: Yes.

4 JUDGE JACOBS: Is there a way you could just
5 use it as a regular phone and speak into the microphone,
6 please?

7 MR. BELL: Yes. Can you hear me?

8 JUDGE JACOBS: That's better, I think. Thank
9 you. Mr. Bell, would you spell your name for the
10 record, please?

11 MR. BELL: A-n-t-o-n-i-o B-e-l-l.

12 JUDGE JACOBS: Thank you very much, sir.
13 Okay. Would you raise your right hand?

14 MR. BELL: Yes.

15 (Witness sworn.)

16 JUDGE JACOBS: Thank you very much, sir. So
17 the way we have done this so far is that Mr. Harris
18 hasn't been asking questions. I've just been letting
19 folks make their statement and then asking them some
20 questions. So Mr. Harris, unless you speak up and let
21 us know you don't want to do that, that is how we will
22 proceed with Mr. Bell here today.

23 MR. HARRIS: No, no questions.

24 JUDGE JACOBS: Thank you, sir.

25 QUESTIONS BY JUDGE JACOBS:

1 Q. Mr. Bell, can you explain to us what's your
2 understanding of why you've been asked to give testimony
3 today?

4 A. I was called about the water bill being too
5 high and was asked to go out and check the yard to see
6 if there's any leaks or anything like that.

7 Q. Who asked you to check the yard?

8 A. My stepfather, Mr. Willie Harris.

9 Q. When did Mr. Harris ask you to do that?

10 A. I don't know exactly but around the same time
11 as everybody else.

12 Q. It sounds like it was sometime after he got a
13 high water bill?

14 A. Yes.

15 Q. Okay. And do you live in St. Louis, sir?

16 A. Yes.

17 Q. Okay. How far is your home from the Garham
18 Drive house?

19 A. 15, 20 minutes.

20 Q. Okay. Are you asked to go over to the house
21 occasionally or do you go over there routinely?

22 A. Occasionally. I guess every now and then.
23 Not very often.

24 Q. Okay. And Mr. Harris you said asked you to go
25 over and check out the house?

1 A. Yes.

2 Q. Okay. And do you remember doing that?

3 A. Yes.

4 Q. Do you have any idea when that was?

5 A. It was around the same time Cicely Tucker and
6 them went to check it. Maybe three or four days after
7 that. I was out on the road.

8 Q. So when you went to the house, what did you
9 do?

10 A. I checked for leaks in the ground. First of
11 all, I'm a retired contractor and a construction worker.
12 So I checked for leaks in the yard where the meter is
13 and everything like that and went in the house to check
14 the meter inside to see if there was any leaks inside in
15 the basement. There was none. No leaks in the
16 bathrooms, anything like that.

17 Q. So when you say -- You don't sound like you're
18 old enough to be retired. So do you mean --

19 A. I drive a truck now.

20 Q. -- that you used to do that work? So you do
21 different work now?

22 A. I get a pension in about another two years.

23 Q. Okay. So you did some work. You used to work
24 in construction?

25 A. Yes.

1 Q. Okay. And where did you check outside? Did
2 you tell me that you had checked outside when you were
3 called to go over to the house?

4 A. Yes. I checked all the way to the front of
5 the house all the way out to the street all the way out
6 to the meter. There's no water leaks anywhere. And I
7 checked in the basement, in the bathrooms and everything
8 like he asked me to.

9 Q. Okay. And what was the meter that you were
10 checking out to on the street? Is there something out
11 in the front yard that you were checking?

12 A. It's in the yard. You can't open it or
13 anything like that.

14 Q. So were you trying to see if maybe there was a
15 leak that was making the ground wet there that would
16 explain all this water being used?

17 A. Yes.

18 Q. And it sounds like you didn't find anything?

19 A. No, nothing. Also, if there was a leak on --
20 Facing their house on the right side of the house, his
21 house is above the house next door. If there was that
22 much water, it would run down the street. It would come
23 out of the ground and have mud on his driveway and
24 everything next door. There was nothing. Not even in
25 the house. The water line comes in above the floor

1 through the wall. If there was a leak with that, it
2 would be all over in the basement also.

3 Q. Did you say that you checked around the meter
4 in the basement?

5 A. Uh-huh. I checked the meter, checked outside
6 too.

7 Q. And you didn't see any indication of any leaks
8 or water?

9 A. Nothing at all.

10 Q. Were you alone when you checked the house?

11 A. Yes.

12 Q. Okay. How did you get access to the house?
13 We've been told it's got a security system on it.

14 A. My sister gave me a key and the code to go in.
15 That was over the telephone.

16 Q. Okay. Did you notice that any of the
17 neighbors have a swimming pool --

18 A. No.

19 Q. -- in the neighborhood?

20 A. I've never seen a swimming pool in that
21 neighborhood. That photo, I don't know what that is.
22 That looks like some kind of 8,000 gallon pool or
23 something maybe. It might not even be that much. I
24 don't know what that is, never seen that.

25 Q. Do you go to the house very often?

1 A. No.

2 Q. When was the last time you were at the house?

3 A. I'm not exactly for sure, but my mother called
4 me out there 2019 I think. Put up a new garage door
5 motor -- garage door opener. That was like early summer
6 I think it was. And after that is when I went out to
7 check the water too. That's the last time.

8 Q. So when you did the, installed a new, did you
9 say it was a garage door opener?

10 A. Yes.

11 Q. When you did that, were Mr. Harris and Ms.
12 Harris, were they at the house at the time?

13 A. No. My mother was. Ms. Harris was there.

14 Q. Your mom was at the house and you went and did
15 this project for her?

16 A. Yes.

17 JUDGE JACOBS: Okay. All right. Mr. Harris,
18 any questions since you've heard that testimony from
19 Mr. Bell?

20 MR. HARRIS: I have no questions.

21 JUDGE JACOBS: Thank you, sir. Any questions
22 from Staff counsel for Mr. Bell?

23 MS. BRETZ: Yes. Just a few. Thank you,
24 Judge. I'll say that I lost connection and then had
25 trouble reconnecting. So I'm on my desk phone right

1 now.

2 CROSS-EXAMINATION BY MS. BRETZ:

3 Q. Good afternoon, Mr. Bell. My name is Karen
4 Bretz. I represent the Staff of the Commission. Hello.
5 And we talked about three weeks ago or so. You remember
6 that maybe?

7 A. It might have been longer than that.

8 Q. Time flies. I missed part of your earlier
9 testimony so please forgive me if I ask questions that
10 have already been asked.

11 A. No problem.

12 Q. You installed the cedar lined closet in the
13 basement?

14 A. Yes, yes, I did.

15 Q. When did you install that?

16 A. I think I told you three years ago, but I
17 couldn't remember. Like I told you, I don't know
18 exactly when I did it. It had been so long ago. When
19 you called me, too, I was working. So I don't know.
20 That's been three years ago. It may have been longer
21 than that.

22 Q. Okay. Is there a cutout in the back of it so
23 the meter is accessible, the water meter?

24 A. Yes.

25 MS. BRETZ: Okay. That's all I have. Thank

1 you.

2 JUDGE JACOBS: Are there any questions from
3 the Company for Mr. Bell?

4 MS. HERNANDEZ: Yes.

5 CROSS-EXAMINATION BY MS. HERNANDEZ:

6 Q. Mr. Bell, this is Jennifer Hernandez. I'm an
7 attorney for Missouri-American Water Company.

8 A. Okay.

9 Q. You mentioned that you used to be a contractor
10 or you retired from that line of work?

11 A. Yes.

12 Q. Did you ever do dye tests on toilets to check
13 for leaks?

14 A. Yes.

15 Q. Okay.

16 A. Maybe once or twice. It was on my own
17 property, not on someone else's.

18 Q. Okay. So you never tested the toilets, did a
19 dye test on the toilets at Garham Drive?

20 A. Say it again.

21 Q. You never tested any of the three toilets at
22 Garham Drive?

23 A. No.

24 MS. HERNANDEZ: Okay. I think that's all the
25 questions I have. Thank you.

1 QUESTIONS BY JUDGE JACOBS:

2 Q. Okay. So I just want to clarify with Mr. Bell
3 did you indicate that you helped install a closet in the
4 basement of the Garham Drive house and did you say that
5 you thought it was three years ago?

6 A. Yes. I don't know exactly how long it's been.
7 You asked me. I think I said three years ago. I don't
8 know. I was working at the time she called me.

9 Q. I just wanted to talk to you about why you
10 thought it was three years. Like if you associated that
11 with anything in particular.

12 A. I don't remember exactly. I told her that
13 that I didn't know exactly when it was. She asked me
14 was it installed. I said yes, I installed it.

15 Q. Do you remember doing it?

16 A. Yes, I remember putting it in.

17 Q. Do you remember if your mother and Mr. Harris
18 were married at that time?

19 A. I don't think they were. I don't know. I
20 don't even know when they got married. I lived in Texas
21 for a long time. I just come back to St. Louis. I
22 haven't been around. I don't know exactly.

23 Q. When you installed the closet, were you living
24 in Texas at that time?

25 A. I was in Arkansas.

1 Q. At the time that you installed the closet you
2 remember that you were living in Arkansas?

3 A. Yes.

4 Q. Okay. And how long ago were you living in
5 Arkansas, sir?

6 A. I moved to Arkansas 2005, I think it was, 2006
7 I think. I've lived in a couple places in the past 15
8 years.

9 Q. Then after you -- When did you move -- Did you
10 move from Arkansas to St. Louis?

11 A. No.

12 Q. No?

13 A. I used to live in St. Louis. I moved to
14 Arkansas. From there I moved to Texas. I was in St.
15 Louis for probably two months. I didn't really live
16 there and then I moved to Texas. I'm a truck driver.

17 Q. I'm going to try to clarify this. Your
18 recollection is that you worked on the closet when you
19 were living in Arkansas?

20 A. Yes.

21 Q. And you moved to Arkansas in you think 2005 or
22 2006?

23 A. Yes.

24 Q. When did you leave Arkansas to live somewhere
25 else?

1 A. 2008.

2 Q. Okay. So if you were living in Arkansas when
3 you installed the closet, that means it would have
4 happened sometime between 2005 and 2008?

5 A. Possibly. I don't know exactly.

6 Q. Okay.

7 A. That's why I said I don't know.

8 Q. So really is your testimony that you don't
9 know when you installed the closet?

10 A. I told the lady I don't know exactly when I
11 installed the closet. I told her that when she called
12 me on the phone.

13 Q. Right. And then you told her that it was
14 maybe three years ago. So that's why I'm trying to
15 follow up with you.

16 A. Right. I have no idea. That's why I said I
17 don't know. She asked me. I told her I didn't know.
18 She said give me a time. I told her I don't know, maybe
19 three years ago.

20 Q. Okay. All right.

21 A. I already told her. She was still trying to
22 get me to say something I didn't know.

23 Q. If you don't know something, that is an
24 acceptable answer.

25 A. Yes.

1 JUDGE JACOBS: Does anybody have any questions
2 for Mr. Bell following that question? Staff?

3 MR. HARRIS: Yes, I do, because I remember
4 exactly.

5 JUDGE JACOBS: Mr. Harris, do you have a
6 question or did you want to provide some additional
7 testimony? You can ask Mr. Bell a question.

8 MR. HARRIS: Yeah. Tony, it was right after
9 your mother moved there which was in 2005 like you were
10 saying?

11 JUDGE JACOBS: That's additional testimony.
12 So are there any questions from Staff?

13 MS. BRETZ: None. Thank you.

14 JUDGE JACOBS: Thank you. Any additional
15 questions from the Company for Mr. Bell?

16 MS. HERNANDEZ: No, thank you.

17 JUDGE JACOBS: Thank you very much. Okay.
18 Mr. Harris, did you have a question for Mr. Bell before
19 we excuse him today?

20 MR. HARRIS: No. That was the only thing.
21 All right. So Mr. Bell, I appreciate your testimony
22 today. Thank you for being present and being able to
23 stay with us all day and answer these questions. You
24 are excused, sir.

25 THE WITNESS: All right. Thank you.

1 JUDGE JACOBS: Thank you so much. So what we
2 need to discuss here is it would appear that we have
3 gotten almost all the way through Mr. Harris' witnesses.
4 He also wanted to present testimony from his wife. So
5 when we resume our hearing, we would be starting with
6 Mr. Harris' wife. Does Staff, anybody, Staff or the
7 Company have a suggestion about how you'd like to
8 proceed? It doesn't seem realistic that we can wrap
9 this up this evening, and I want everyone to be able to
10 give their full attention to the rest of the witnesses
11 that we're going to hear from.

12 MS. BRETZ: Wrapping up for the evening sounds
13 good here, Judge. Staff is available all of tomorrow
14 and Thursday morning until noon.

15 JUDGE JACOBS: Okay. So the essential parties
16 that we're going to be talking to about rescheduling
17 would be Mr. Harris, Staff counsel and the Company's
18 attorney.

19 MR. HARRIS: Okay. I don't have any problem
20 because I'm retired. You know, any day.

21 JUDGE JACOBS: Okay. Ms. Hernandez, what is
22 your availability to resume the hearing tomorrow or
23 later this week?

24 MS. HERNANDEZ: Sure. Typically I would need
25 to break during the agenda time. Tomorrow's agenda

1 doesn't seem to be very long. I don't know how long
2 that would be. If we could just take a recess at that
3 time. Otherwise, we could be available tomorrow or
4 Thursday.

5 JUDGE JACOBS: Okay. So it sounds like for
6 Staff counsel it would work to start up tomorrow at 8:00
7 and go until we need to break for agenda which, of
8 course, our Commissioners obviously need a break for
9 agenda. And then we could resume after agenda.
10 Probably because of where agenda is scheduled we might
11 just plan to start at one o'clock. So go for the
12 morning, break for agenda and resume at 1:00 and try to
13 wrap things up that afternoon, because I can't really
14 know exactly how long agenda will go and I want to be
15 able to give our witnesses and parties direct and firm
16 instructions about when we're getting back together.

17 Let's see. So based on what we heard from
18 Staff counsel, I think that should work. Ms. Bretz,
19 could you speak up for me and let me know if I'm
20 restating what you were saying? I don't have your name
21 on my participant list any more. It's been a long day.
22 Ms. Bretz?

23 MS. BRETZ: Yes. Starting tomorrow at 8:00
24 a.m. is good.

25 JUDGE JACOBS: Okay. So what we could do then

1 is I would have to create a new meeting and give
2 everyone the contact information for that which I could
3 do by email if that is acceptable. Mr. Harris, can I
4 email to you?

5 MR. HARRIS: Email is fine.

6 JUDGE JACOBS: I can email to you the new
7 contact information for tomorrow's hearing which will
8 get started at eight o'clock in the morning. And then I
9 will include all the parties on that. You will connect
10 in the same way that you did for this one today. Go to
11 the WebEx website, click join meeting and then put the
12 new information in.

13 Let's say that our hearing is actually going
14 to get started at 8:15, that will give us 15 minutes or
15 so to work out any kinks. I don't know if there's any
16 reason that we need to be concerned about not having a
17 court reporter or having one. I will do whatever I need
18 to do to make sure we have a court reporter tomorrow.
19 I'm assuming that Tiger can make someone available for
20 us.

21 Okay. So it sounds like our plan would be to
22 get together at 8:15 in the morning and do as much of
23 the hearing as we can and then we would break for the
24 Commission to have its agenda meeting that it has every
25 week and then we would come back together. I'm going to

1 say resume the meeting at 1:00 p.m. to try to finish up
2 the meeting at 1:00. So starting at 8:15 a.m. tomorrow,
3 break for agenda, resume hearing at 1:00 p.m.

4 Does that sound reasonable to Staff counsel?

5 MS. BRETZ: Yes. Thank you.

6 JUDGE JACOBS: Ms. Hernandez?

7 MS. HERNANDEZ: Yes, Judge. Thank you.

8 JUDGE JACOBS: Okay. So then as soon as we
9 disconnect here, I will create the new WebEx meeting and
10 I will be sending that out. Mr. Harris, did you
11 understand that and will that work for you?

12 MR. HARRIS: Yeah, that's fine.

13 JUDGE JACOBS: That's what I'm going to do.
14 Does anybody have anything else to get on the record
15 here and discuss before we end this session today?

16 MR. HARRIS: No.

17 MS. BRETZ: Nothing.

18 JUDGE JACOBS: Thank you, Mr. Harris. And I
19 heard Ms. Bretz indicating Staff counsel didn't have
20 anything. I'm not seeing anything from the Company.

21 MS. HERNANDEZ: Nothing further. Thank you.

22 JUDGE JACOBS: Thank you all so much. We will
23 get started in the morning with Ms. Harris. Thank you.
24 Have a great evening. We are off the record.

25 (Off the record.)

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