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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS
LOCAL PUBLIC HEARING

March 5, 2012

Waynesville, Missouri

Volume 1

In the Matter of the Application)
of Highway H Utilities, Inc, for)
Authority to Sell Certain Water)
System Assets to the City of)Case No. WO-2012-0211
Waynesville, Missouri, and, in)
Connection Therewith, Certain)
Other Related Transactions.)

MICHAEL BUSHMANN, Presiding
REGULATORY LAW JUDGE

KEVIN D. GUNN, Chairman,
COMMISSIONER

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

2 JUDGE BUSHMANN: I'd like to bring the
3 proceeding to order, please. We're on the record. Good
4 evening. It's Monday, March 5th, 2012.

5 The Missouri Public Service Commission has set
6 this time for a local public hearing in File No.
7 WO-2012-0211, which is captioned as In the Matter of the
8 Application of Highway H Utilities, Incorporated, for
9 Authority to Sell Certain Water System Assets to the City
10 of Waynesville, Missouri, and in Connection Therewith,
11 Certain Other Related Transactions.

12 My name is Michael Bushmann. I'm the Regulatory
13 Law Judge that will be presiding over this evening's
14 hearing. With me this evening is Chairman Kevin Gunn of
15 the Commission. Mr. Chairman, did you want to make any
16 opening remarks?

17 COMMISSIONER GUNN: First of all, I wanted to
18 thank everybody for coming out here tonight. We have
19 these local public hearings so we can get public feedback,
20 and so we appreciate the participation.

21 Normally, we have five Commissioners, but we are
22 down two, so we only have three. But all of the testimony
23 tonight will be put in a transcript, as you know, and the
24 Commissioners -- other Commissioners do read the
25 transcripts before any evidentiary hearing before a

1 decision is made. So we look forward to hearing from you
2 tonight.

3 This is a little bit different for us.

4 Normally, we're out here when we have rate cases when
5 people are talking about rates. This is a little bit
6 different situation. So we look forward to hearing you --
7 from you, and I will -- I'll take good notes.

8 I may ask you some questions. So after you make
9 your statements, I'd ask that you just hang on at the
10 podium for a little while. Unfortunately, the nature of
11 this is such that I can't really answer questions because
12 it's a judicial proceeding. It -- and we don't have all
13 of the evidence in yet. Any questions that -- any -- any
14 answers that I might give may tend to show bias or show
15 something that wouldn't necessarily be fair to all of the
16 parties and be able to respond.

17 So it may be a little frustrating to you at some
18 times. It's a little frustrating for me. But that's just
19 the nature of the process that we have. So, again, thanks
20 everybody for coming out tonight, and remember I may ask
21 you a couple questions after you -- after you make your
22 statement. So -- and then we'll proceed.

23 JUDGE BUSHMANN: Let's begin with Counsel making
24 their entries of appearance. For Highway H Utilities,
25 Incorporated?

1 MR. COOPER: Yes, your Honor. Dean Cooper from
2 the law firm of Brydon, Swearngen & England, PC, P.O.
3 Box 456, Jefferson City, Missouri, 65102, appearing on
4 behalf of Highway H Utilities.

5 JUDGE BUSHMANN: For the City of Waynesville?

6 MR. HARRILL: Our attorney is not available,
7 sir.

8 JUDGE BUSHMANN: Okay. Office of Public
9 Counsel?

10 Ms. BAKER: Thank you. Christina Baker, P.O.
11 Box 2230, Jefferson City, Missouri, 65102, appearing on
12 behalf of the Office of the Public Counsel and the
13 customers.

14 JUDGE BUSHMANN: Thank you, Ms. Baker. Staff of
15 the Missouri Public Service Commission?

16 MS. ALM: Tonya Alm, P.O. Box 360, Jefferson
17 City, Missouri, 65102, appearing on behalf of the Public
18 Service Commission.

19 JUDGE BUSHMANN: Is there any Counsel that I
20 have not mentioned? All right. The process this evening
21 is that I'm going to read the names from the list of
22 people who have signed up to testify.

23 I'll ask that you come down when I call your
24 name and stand at the podium. I'll ask you for your name,
25 to please state it and then spell it so we can get it into

1 the record accurately.

2 And then after I've put you under oath, then
3 you're free to make your comments for the Commission.
4 Right now, I just have one name on list, and that's
5 Charles Sayles. Is Mr. Sayles present?

6 MR. SAYLES: Yes, sir.

7 JUDGE BUSHMANN: Could you please come to the
8 podium, sir?

9 MR. SAYLES: Yes, sir.

10 JUDGE BUSHMANN: Can you please state and spell
11 your name?

12 MR. SAYLES: My name is Charles Sayles,
13 C-h-a-r-l-e-s S-a-y-l-e-s.

14 JUDGE BUSHMAN: Please raise your right hand.

15 CHARLES SAYLES,
16 being first duly sworn to testify the truth, the whole
17 truth, and nothing but the truth, testified as follows:

18 TESTIMONY OF CHARLES SAYLES

19 JUDGE BUSHMANN: You may proceed with your
20 comments.

21 MR. SAYLES: My only comment, sir, is -- I don't
22 speak with any authority and knowledge base what's come
23 from -- I want to say thank you for having me here, and,
24 thank you, Jerry, for what you've done for our water over
25 this time.

1 But I have a severe objection with any
2 Government entity ever attempting to take over any
3 commerce environment. That's -- that's my serious
4 objection.

5 I understand rate increases. I accept rate
6 increases for necessity, not because of desire of an
7 entity, you know, that I don't have any say over it. I
8 have a presumption that, as a Government entity, that I do
9 have something to say in that, and it tends -- not
10 necessarily the case if there's no elected official
11 involved who represents us as a part of that.

12 I don't find that ever to be the case when it
13 comes to utilities, especially because by the time we get
14 some information about it, it's supposedly been publicly
15 released, and those of us in our daily activities find out
16 about it at the last minute and don't have enough time to
17 wage an actual argument that's coherent.

18 What I would say is -- is that I don't know of,
19 I haven't seen of, and I may be wrong, that any other
20 entity has had the opportunity to purchase this outside of
21 the Government entity that's getting it right now.

22 Second off, if this is already a done deal, as
23 I'm led to believe by the Councilman back here for the --
24 Mr. Waffleton because of a contract, then when -- when the
25 City takes it over, if they do take it over that there be

1 some addition of an elected official from the members of
2 Hunter's Point so that they have a ruling vote within what
3 is going to be placed and how it's going to be placed and
4 what hikes are going up in that place outside of whatever
5 we believe is happening right now.

6 There would be that Council member from Hunter's
7 Point elected to be a part of that and can speak for the
8 members of Hunters Point.

9 So we don't want to spend the extra rate hike
10 because of -- I understand the importance of fire
11 hydrants. I don't want a fire hydrant that's out there in
12 an open field.

13 And I know that -- and I appreciate the
14 consideration of existing easements so you don't uproot
15 people. But maybe if you put that argument to us, some of
16 us would say, you know what, we think that it's a better
17 way for us to put that.

18 I'll let you tear up that 10 feet of roadway
19 easement I've got anyways to put a -- one right there
20 which will be more centrally located for our community as
21 opposed to where you were taking the easy route, which I
22 agree with makes sense, and putting it off somewhere else
23 where it's not going to do any good and now I'm paying for
24 it.

25 I just -- one, I don't want a Government entity

1 taking over something I don't think a civilian entity had
2 a chance to go after.

3 And, two, if the Government entity takes over, I
4 want representation not from the community as a whole, but
5 from the affected community members that have a natural
6 say, not just, Well, okay, yeah, he's okay with this spot.
7 That's pretty much it.

8 JUDGE BUSHMANN: Are there any questions from
9 the attorneys? Mr. Chairman, do you have any questions?

10 COMMISSIONER GUNN: I do. Just a -- just a
11 couple. And I apologize for not exactly knowing the
12 geography. So currently, Hunter's Point is outside the
13 city of Waynesville; is that correct?

14 MR. SAYLES: Yes, sir.

15 CHAIRMAN GUNN: And so you don't vote for any of
16 the elected officials inside of -- of Waynesville?

17 MR. SAYLES: Outside the City, yes, sir.

18 CHAIRMAN GUNN: County officials?

19 MR. SAYLES: County officials, yes, sir.

20 CHAIRMAN GUNN: But the water system would go
21 directly to -- to Waynesville. So you're looking for some
22 sort of advocacy or representation when it comes just to
23 the water issues --

24 MR. SAYLES: When you've got Board members up
25 there that are making -- that are making decisions that

1 are for the Waynesville community and this being
2 Waynesville's Public Service, I don't have that
3 representation on that Board and I don't have a say in
4 that as a Hunter's Point representative, and I want that.

5 I don't think it should happen without that.
6 That's not what our nation was created for, and I don't
7 have essentially -- not taxation, but you're going to
8 charge me for a service you're providing, but there should
9 be a service provider, first off. And second off, I
10 should be represented.

11 CHAIRMAN GUNN: Thank you, sir. I don't have
12 any other questions. Thanks for testifying.

13 JUDGE BUSHMANN: Thank you, sir. You may be
14 excused.

15 MR. SAYLES: Thank you, sir.

16 JUDGE BUSHMANN: Although there aren't any names
17 on the list, is there anybody else who would like to come
18 forward and provide any testimony tonight for Commissioner
19 Gunn? Commissioner Gunn, would you like to make any
20 closing comments?

21 CHAIRMAN GUNN: I don't. I -- thank you all
22 very much. This is not end of the process. This is --
23 we're kind of in the middle of the process.

24 If you have any folks here tonight that weren't
25 able to make it, we can take comments over the Internet at

1 www.psc.mo.gov. That's our main -- our main web site.

2 And it will be able to direct you on where to do comments.

3 We will take written comments, telephone
4 comments. So if you have folks that weren't able to make
5 it tonight or if you walk out of the room and say, you
6 know what, I -- I wish I would have said X, please feel
7 free to do this.

8 Our -- our standard here -- and the lawyers can
9 correct me if I'm wrong -- is that the transaction is not
10 detrimental to the public interest.

11 MR. COOPER: That's correct.

12 CHAIRMAN GUNN: And that's the -- that's the
13 standard that we have. And once -- once we -- if the sale
14 is approved, and it -- and it needs our approval in order
15 to be, so it's not whatever contracts exist are subject to
16 approval at PSC. But we will lose jurisdiction if it
17 becomes part of a municipal municipal system.

18 So we'll take a look at this very closely.
19 That, I can assure you. But I'll repeat that website one
20 more time. You know, folks were grabbing pens. So it's
21 www.psc.mo.gov.

22 And -- and you'll be able to -- to submit
23 written comments. They'll get entered into the record,
24 and we'll -- we'll take those into account as well. So
25 other than that, I don't -- thank you all for coming out.

1 I think it's -- sometimes we go to these local
2 public hearings, and we don't have very many people show
3 up. But it's important to have the community involved.
4 If -- if these things are going to be successful, it's
5 important to have public input and important to have you
6 folks come out to these -- these opportunities. So thank
7 you very much. We really appreciate it.

8 JUDGE BUSHMANN: Thank you for coming tonight.
9 The local public hearing in File No. WO-2012-021 -- 0211
10 is now adjourned, and we're off the record.

11 (The proceedings were concluded at 6:13 p.m.
12 on May 5, 2012.)
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|----|-----------------------------|------|
| 1 | INDEX | |
| 2 | | PAGE |
| 3 | Testimony of Charles Sayles | 6 |
| 4 | | |
| 5 | Reporter's Certificate | 14 |
| 6 | | |
| 7 | | |
| 8 | | |
| 9 | | |
| 10 | | |
| 11 | | |
| 12 | | |
| 13 | | |
| 14 | | |
| 15 | | |
| 16 | | |
| 17 | | |
| 18 | | |
| 19 | | |
| 20 | | |
| 21 | | |
| 22 | | |
| 23 | | |
| 24 | | |
| 25 | | |

1
2
3
4
5
6
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REPORTER'S CERTIFICATE

STATE OF MISSOURI)

)ss.

COUNTY OF OSAGE)

I, Monnie S. Mealy, Certified Shorthand Reporter,
Certified Court Reporter #0538, and Registered
Professional Reporter, and Notary Public, within and for
the State of Missouri, do hereby certify that I was
personally present at the proceedings as set forth in the
caption sheet hereof; that I then and there took down in
stenotype the proceedings had at said time and was
thereafter transcribed by me, and is fully and accurately
set forth in the preceding pages.

Monnie S. Mealy, CSR, CCR #0539
Registered Professional Reporter

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| <p>A</p> <p>able 4:16 10:25 11:2,4,22 about 4:5 7:14 7:16 accept 7:5 account 11:24 accurately 6:1 14:14 activities 7:15 actual 7:17 addition 8:1 adjourned 12:10 advocacy 9:22 affected 9:5 after 4:8,21,21 6:2 9:2 again 4:19 agree 8:22 Alm 2:2 5:16,16 already 7:22 Although 10:16 answer 4:11 answers 4:14 anybody 10:17 anyways 8:19 apologize 9:11 appearance 4:24 appearing 5:3 5:11,17 Application 1:13 3:8 appreciate 3:20 8:13 12:7 approval 11:14 11:16 approved 11:14 argument 7:17 8:15 Assets 1:16 3:9 assure 11:19 attempting 7:2 attorney 5:6 attorneys 9:9 authority 1:15 3:9 6:22 available 5:6</p> | <p>B</p> <p>back 7:23 Baker 2:6 5:10 5:10,14 base 6:22 becomes 11:17 before 3:25,25 begin 4:23 behalf 5:4,12,17 being 6:16 10:1 believe 7:23 8:5 better 8:16 bias 4:14 bit 4:3,5 Board 9:24 10:3 Boulevard 2:23 Box 2:3,9,17 5:3 5:11,16 bring 3:2 Brydon 2:15 5:2 BUSHMAN 6:14 Bushmann 1:21 3:2,12 4:23 5:5 5:8,14,19 6:7 6:10,19 9:8 10:13,16 12:8</p> <p>C</p> <p>C 2:1 3:1 call 5:23 Capitol 2:16 caption 14:12 captioned 3:7 case 1:16 7:10 7:12 cases 4:4 CCR 2:21 14:20 centrally 8:20 Certain 1:15,18 3:9,11 Certificate 13:5 14:1 Certified 14:7,8 certify 14:10 Chairman 1:24 3:14,15 9:9,15</p> | <p>9:18,20 10:11 10:21 11:12 chance 9:2 charge 10:8 Charles 6:5,12 6:15,18 13:3 Christina 2:6 5:10 city 1:16 2:4,10 2:18,24 3:9 5:3 5:5,11,17 7:25 9:13,17 civilian 9:1 closely 11:18 closing 10:20 coherent 7:17 come 5:23 6:7 6:22 10:17 12:6 comes 7:13 9:22 coming 3:18 4:20 11:25 12:8 comment 6:21 comments 6:3 6:20 10:20,25 11:2,3,4,23 commerce 7:3 Commission 1:2 2:2,3 3:5,15 5:15,18 6:3 Commissioner 1:25 3:17 9:10 10:18,19 Commissioners 3:21,24,24 community 8:20 9:4,5 10:1 12:3 concluded 12:11 Connection 1:18 3:10 consideration 8:14 contract 7:24 contracts 11:15 Cooper 2:14 5:1 5:1 11:11</p> | <p>correct 9:13 11:9,11 Council 8:6 Councilman 7:23 Counsel 2:6,7 4:23 5:9,12,19 County 9:18,19 14:5 couple 4:21 9:11 Court 14:8 created 10:6 CSR 2:21 14:20 currently 9:12 customers 5:13 C-h-a-r-l-e-s 6:13</p> <p>D</p> <p>D 1:24 3:1 daily 7:15 deal 7:22 Dean 2:14 5:1 decision 4:1 decisions 9:25 desire 7:6 detrimental 11:10 different 4:3,6 direct 11:2 directly 9:21 done 6:24 7:22 down 3:22 5:23 14:12 duly 6:16</p> <p>E</p> <p>E 2:1,1,16 3:1,1 easement 8:19 easements 8:14 easy 8:21 elected 7:10 8:1 8:7 9:16 end 10:22 England 2:15 5:2 enough 7:16 entered 11:23</p> | <p>entity 7:2,7,8,20 7:21 8:25 9:1,3 entries 4:24 environment 7:3 especially 7:13 essentially 10:7 evening 3:4,14 5:20 evening's 3:13 ever 7:2,12 everybody 3:18 4:20 evidence 4:13 evidentiary 3:25 exactly 9:11 excused 10:14 exist 11:15 existing 8:14 extra 8:9</p> <p>F</p> <p>fair 4:15 feedback 3:19 feel 11:6 feet 8:18 field 8:12 File 3:6 12:9 find 7:12,15 fire 8:10,11 firm 5:2 first 3:17 6:16 10:9 five 3:21 folks 10:24 11:4 11:20 12:6 follows 6:17 forth 14:11,15 forward 4:1,6 10:18 free 6:3 11:7 from 4:1,7 5:1 5:21 6:23 8:1,6 9:4,5,8 frustrating 4:17 4:18 fully 14:14</p> <p>G</p> |
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| G 3:1 geography 9:12 getting 7:21 give 4:14 go 9:2,20 12:1 going 5:21 8:3,3 8:4,23 10:7 12:4 good 3:3 4:7 8:23 Government 7:2 7:8,21 8:25 9:3 grabbing 11:20 Gunn 1:24 3:14 3:17 9:10,15 9:18,20 10:11 10:19,19,21 11:12 <hr/> H <hr/> H 1:14 2:13 3:8 4:24 5:4 hand 6:14 hang 4:9 happen 10:5 happening 8:5 HARRILL 5:6 having 6:23 hearing 1:5 3:6 3:14,25 4:1,6 12:9 hearings 3:19 12:2 hereof 14:12 Highway 1:14 2:13 3:8 4:24 5:4 hike 8:9 hikes 8:4 Honor 5:1 Hunters 8:8 Hunter's 8:2,6 9:12 10:4 hydrant 8:11 hydrants 8:11 <hr/> I <hr/> importance 8:10 | important 12:3 12:5,5 Inc 1:14 2:13 Incorporated 3:8 4:25 increases 7:5,6 INDEX 13:1 information 7:14 input 12:5 inside 9:16 interest 11:10 Internet 10:25 involved 7:11 12:3 issues 9:23 <hr/> J <hr/> Jefferson 2:4,10 2:18,24 5:3,11 5:16 Jerry 6:24 Judge 1:22 3:2 3:13 4:23 5:5,8 5:14,19 6:7,10 6:14,19 9:8 10:13,16 12:8 judicial 4:12 jurisdiction 11:16 just 4:9,18 6:4 8:25 9:6,10,10 9:22 J.D 2:6 <hr/> K <hr/> Kevin 1:24 3:14 kind 10:23 know 3:23 7:7 7:18 8:13,16 11:6,20 knowing 9:11 knowledge 6:22 <hr/> L <hr/> L 2:14 last 7:16 law 1:22 3:13 | 5:2 lawyers 11:8 led 7:23 let 8:18 Let's 4:23 like 3:2 10:17,19 list 5:21 6:4 10:17 Litigation 2:22 little 4:3,5,10,17 4:18 local 1:5 3:6,19 12:1,9 located 8:20 look 4:1,6 11:18 looking 9:21 lose 11:16 <hr/> M <hr/> made 4:1 Madison 2:4,8 main 11:1,1 make 3:15 4:8 4:21 6:3 10:19 10:25 11:4 makes 8:22 making 4:23 9:25,25 many 12:2 March 1:7 3:4 Matter 1:13 3:7 may 4:8,14,17 4:20 6:19 7:19 10:13 12:12 maybe 8:15 Mealy 2:21 14:7 14:20 member 8:6 members 8:1,8 9:5,24 mentioned 5:20 Michael 1:21 3:12 middle 10:23 Midwest 2:22 might 4:14 minute 7:16 Missouri 1:1,9 | 1:17 2:2 3:5,10 5:3,11,15,17 14:3,10 MO 2:4,10,18,24 Monday 3:4 Monnie 2:21 14:7,20 more 8:20 11:20 much 9:7 10:22 12:7 municipal 11:17 11:17 <hr/> N <hr/> N 2:1 3:1 name 3:12 5:24 5:24 6:4,11,12 names 5:21 10:16 nation 10:6 natural 9:5 nature 4:10,19 necessarily 4:15 7:10 necessity 7:6 needs 11:14 Normally 3:21 4:4 Notary 14:9 notes 4:7 nothing 6:17 <hr/> O <hr/> O 3:1 oath 6:2 objection 7:1,4 off 7:22 8:22 10:9,9 12:10 Office 2:6,7 5:8 5:12 official 7:10 8:1 officials 9:16,18 9:19 okay 5:8 9:6,6 once 11:13,13 one 6:4 8:19,25 11:19 only 3:22 6:21 | open 8:12 opening 3:16 opportunities 12:6 opportunity 7:20 opposed 8:21 order 3:3 11:14 OSAGE 14:5 other 1:19 3:11 3:24 7:19 10:12 11:25 out 3:18 4:4,20 7:15 8:11 11:5 11:25 12:6 outside 7:20 8:4 9:12,17 over 3:13 6:24 7:2,7,25,25 9:1 9:3 10:25 <hr/> P <hr/> P 2:1,1 3:1 PAGE 13:2 pages 14:15 part 7:11 8:7 11:17 participation 3:20 parties 4:16 paying 8:23 PC 5:2 pens 11:20 people 4:5 5:22 8:15 12:2 personally 14:11 place 8:4 placed 8:3,3 please 3:3 5:25 6:7,10,14 11:6 podium 4:10 5:24 6:8 Point 8:2,7,8 9:12 10:4 preceding 14:15 present 6:5 14:11 presiding 1:21 |
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| <p>3:13 presumption 7:8 pretty 9:7 proceed 4:22 6:19 proceeding 3:3 4:12 proceedings 1:4 12:11 14:11,13 process 4:19 5:20 10:22,23 Professional 14:9,21 provide 10:18 provider 10:9 providing 10:8 PSC 11:16 public 1:2,5 2:2 2:3,6,7 3:5,6 3:19,19 5:8,12 5:15,17 10:2 11:10 12:2,5,9 14:9 publicly 7:14 purchase 7:20 put 3:23 6:2 8:15,17,19 putting 8:22 P.E 2:6 p.m 12:11 P.o 2:3,9,17 5:2 5:10,16</p> <hr/> <p>Q</p> <p>questions 4:8,11 4:13,21 9:8,9 10:12</p> <hr/> <p>R</p> <p>R 2:1 3:1 raise 6:14 rate 4:4 7:5,5 8:9 rates 4:5 read 3:24 5:21 really 4:11 12:7 record 3:3 6:1 11:23 12:10</p> | <p>Registered 14:8 14:21 Regulatory 1:22 3:12 Related 1:19 3:11 released 7:15 remarks 3:16 remember 4:20 repeat 11:19 REPORTED 2:21 Reporter 14:7,8 14:9,21 Reporter's 13:5 14:1 representation 9:4,22 10:3 representative 10:4 represented 10:10 represents 7:11 respond 4:16 right 5:20 6:4,14 7:21 8:5,19 roadway 8:18 room 11:5 route 8:21 RPR 2:21 ruling 8:2</p> <hr/> <p>S</p> <p>S 2:1,21 3:1 14:7 14:20 sale 11:13 Sayles 6:5,5,6,9 6:12,12,15,18 6:21 9:14,17 9:19,24 10:15 13:3 second 7:22 10:9 seen 7:19 Sell 1:15 3:9 sense 8:22 serious 7:3 service 1:2 2:2,3 3:5 5:15,18</p> | <p>10:2,8,9 Services 2:22 set 3:5 14:11,15 severe 7:1 sheet 14:12 Shorthand 14:7 show 4:14,14 12:2 signed 5:22 sir 5:7 6:6,8,9,21 9:14,17,19 10:11,13,15 site 11:1 situation 4:6 some 4:8,17 7:14 8:1,15 9:21 something 4:15 7:9 9:1 sometimes 12:1 somewhere 8:22 sort 9:22 speak 6:22 8:7 spell 5:25 6:10 spend 8:9 spot 9:6 ss 14:4 Staff 2:2 5:14 stand 5:24 standard 11:8 11:13 state 1:1 5:25 6:10 14:3,10 statement 4:22 statements 4:9 stenotype 14:13 Street 2:4,8 subject 11:15 submit 11:22 successful 12:4 Suite 2:23 supposedly 7:14 Swearengen 2:15 5:2 sworn 6:16 system 1:16 3:9 9:20 11:17 S-a-y-l-e-s 6:13</p> | <p>T</p> <p>take 4:7 7:2,25 10:25 11:3,18 11:24 takes 7:25 9:3 taking 8:21 9:1 talking 4:5 taxation 10:7 tear 8:18 telephone 11:3 tend 4:14 tends 7:9 testified 6:17 testify 5:22 6:16 testifying 10:12 testimony 3:22 6:18 10:18 13:3 thank 3:18 5:10 5:14 6:23,24 10:11,13,15,21 11:25 12:6,8 thanks 4:19 10:12 their 4:24 Therewith 1:18 3:10 things 12:4 think 8:16 9:1 10:5 12:1 three 3:22 time 3:6 6:25 7:13,16 11:20 14:13 times 4:18 tonight 3:18,23 4:2,20 10:18 10:24 11:5 12:8 Tonya 2:2 5:16 transaction 11:9 Transactions 1:19 3:11 transcribed 14:14 transcript 1:4 3:23</p> | <p>transcripts 3:25 Truman 2:23 truth 6:16,17,17 two 3:22 9:3</p> <hr/> <p>U</p> <p>under 6:2 understand 7:5 8:10 Unfortunately 4:10 uproot 8:14 utilities 1:14 2:13 3:8 4:24 5:4 7:13</p> <hr/> <p>V</p> <p>very 10:22 11:18 12:2,7 Volume 1:11 vote 8:2 9:15</p> <hr/> <p>W</p> <p>W 2:23 Waffleton 7:24 wage 7:17 walk 11:5 want 3:15 6:23 8:9,11,25 9:4 10:4 wanted 3:17 water 1:15 3:9 6:24 9:20,23 way 8:17 Waynesville 1:9 1:17 3:10 5:5 9:13,16,21 10:1 Waynesville's 10:2 web 11:1 website 11:19 well 9:6 11:24 were 8:21 11:20 12:11 weren't 10:24 11:4 we'll 4:22 11:18</p> |
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| 11:24,24 we're 3:3 4:4 10:23 12:10 while 4:10 whole 6:16 9:4 wish 11:6 wouldn't 4:15 WO-2012-021 12:9 WO-2012-0211 1:16 3:7 written 11:3,23 wrong 7:19 11:9 www.psc.mo.g... 11:1,21 | <hr/> 5 <hr/> 5 1:7 12:12 5th 3:4 573 2:5,11,19,25 <hr/> 6 <hr/> 6 13:3 6:13 12:11 635-7166 2:19 636-7551 2:25 65102 2:4,10,18 5:3,11,17 65109 2:24 <hr/> 7 <hr/> 751-5472 2:5 751-5565 2:11 | | | |
| <hr/> X <hr/> X 11:6 <hr/> Y <hr/> yeah 9:6 <hr/> # <hr/> #0538 14:8 #0539 14:20 <hr/> 0 <hr/> 0211 12:9 <hr/> 1 <hr/> 1 1:11 10 8:18 14 13:5 <hr/> 2 <hr/> 200 2:4,8 2012 1:7 3:4 12:12 207 2:23 2230 2:9 5:11 <hr/> 3 <hr/> 312 2:16 3432 2:23 360 2:3 5:16 <hr/> 4 <hr/> 456 2:17 5:3 | | | | |