

In the Matter of:

APPLICATION of CONFLUENCE RIVERS UTILITY OPERATING COMPANY

WM-2020-0282, VOL. I

August 13, 2020



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BEFORE THE PUBLIC SERVICE COMMISSION

STATE OF MISSOURI

TRANSCRIPT OF PROCEEDINGS

Public Hearing

August 13, 2020

Jefferson City, Missouri

Volume 1

In The Matter of Application)
of Confluence Rivers Utility) FILE NO. WM-2020-0282
Operating Company)

(Via Video)
JANA JACOBS, Presiding
REGULATORY LAW JUDGE

(Via Video)
WILLIAM P. KENNEY, Commissioner

(Via Video)
RYAN SILVEY, Chairman

REPORTED BY:
Sheri Allen, MO CCR No. 1460(T)
TIGER COURT REPORTING, LLC

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A P P E A R A N C E S

ON BEHALF OF MISSOURI OFFICE OF THE PUBLIC COUNSEL:

(Via Video)
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COMPANY, INC.

(Via Video)
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ON BEHALF OF THE STAFF OF THE MISSOURI PUBLIC
SERVICE COMMISSION:

(Via Video)
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1 JUDGE JACOBS: So we are now on the
2 record. Good evening, everybody. My name is Jana
3 Jacobs and I'm the regulatory law judge assigned to
4 this matter. It is August 13, 2020, and the time is
5 5:55 p.m. So we're running a little ahead of
6 schedule. We are underway in the public comment
7 portion of a virtual public hearing in File No.
8 WM-2020-0282, which concerns Confluence Rivers
9 Utility Operating Company's application to the
10 Missouri Public Service Commission. The outreach
11 department just completed a question and answer
12 session and that session was not attended or
13 observed by the Commissioners.

14 The case concerns a variety of utility
15 services in multiple counties. Confluence Rivers
16 has applied to acquire water and sewer utility
17 assets of Branson Cedars Resort Utility Company,
18 Fawn Lake Water Corporation, Prairie Heights Water
19 Company, Freeman Hills Subdivision Association, as
20 well as sewer assets in the McGuire subdivision in
21 Madison County. Confluence Rivers also seeks to
22 acquire, as needed, water and sewer certificates of
23 convenience and necessity associated with those
24 assets. Finally, the application includes a request
25 to expand Confluence Rivers certificate for sewer

1 service in the Villa Ridge subdivision in Franklin
2 County.

3 This public hearing is being conducted by
4 phone and video conference. Some participants are
5 connected by phone, others are connected via
6 internet. This is a formal proceeding which is
7 being transcribed by a court reporter. I will be
8 monitoring the quality of the audio to help the
9 court reporter preserve the hearing for the record.
10 If any of the lines connected to the conference
11 today are too noisy, I'll need to mute those lines.
12 I appreciate your patience today as we adapt to this
13 new kind of public forum.

14 So I'd like to introduce the Commissioner
15 -- I'm sorry, I'd like to introduce the Commission.
16 The Missouri Public Service Commission regulates the
17 rates charged by investor-owned utility companies in
18 Missouri to ensure that those rates are just and
19 reasonable. The Commission also regulates the
20 quality of service and the safety of operations of
21 investor-owned utilities.

22 There are five members of the Commission,
23 and with me today are the Chairman Ryan Silvey and
24 Commissioner William Kenney. So I'd like to give
25 the Commissioners an opportunity to make opening

1 remarks if they'd like to do that. Mr. Chairman,
2 did you have anything you wanted to say?

3 MR. SILVEY: Thank you, Judge, I
4 appreciate the opportunity to attend the virtual
5 hearing. I don't really have any opening remarks,
6 so I look forward to listening. Thank you.

7 JUDGE JACOBS: And Commissioner Kenney,
8 did you have anything you wanted to say tonight,
9 sir?

10 MR. KENNEY: No, I do not have any opening
11 remarks, but I do appreciate your professionalism,
12 Judge Jacobs.

13 JUDGE JACOBS: Sure. Thank you. All
14 right. So please know that the comments that are
15 received today are made to the full Commission. The
16 court reporter is transcribing this hearing so that
17 all of the Commissioners can review and read the
18 comments that are made.

19 So next I'm going to ask the counsel for
20 the parties to enter their appearances for the
21 record. So you can state your name for the court
22 reporter, and then spell your name if it's the kind
23 of name people usually don't spell correctly. For
24 Confluence Rivers.

25 MR. COOPER: Thank you, Judge. Dean

1 Cooper from the law firm of Brydon, Swearingen &
2 England, PC. P.O. Box 456, Jefferson City, Missouri
3 65102. Appearing on behalf of Confluence Rivers
4 Utility Operating Company, Inc.

5 JUDGE JACOBS: Thank you very much,
6 Mr. Cooper. And for the Commission staff.

7 MR. JOHNSON: Thank you, Judge. Mark
8 Johnson appearing on behalf of the Staff of the
9 Missouri Public Service Commission. My business
10 address is 200 Madison Street, Jefferson City,
11 Missouri 65102, P.O. Box 360.

12 JUDGE JACOBS: Thank you very much,
13 Mr. Johnson. And now, Mr. Clizer for the Office of
14 Public Counsel. I gave you a preview.

15 MR. CLIZER: Thank you, Your Honor. John
16 Clizer for the Missouri Office of Public Counsel.
17 Last name is C-l-i-z-e-r. My business address is
18 the same as the Public Service Commission Staff.

19 JUDGE JACOBS: Okay. And I think that
20 we're going to have to make sure that you speak up
21 tonight, Mr. Clizer, so we don't lose you. Okay?

22 MR. CLIZER: I apologize. Is that better
23 now?

24 JUDGE JACOBS: That's better. I think
25 you're just going to have to try to speak up

1 tonight.

2 MR. CLIZER: No problem. Thank you.

3 JUDGE JACOBS: All right. The purpose of
4 the hearing today is so the Commission can hear from
5 the public. Commissioners won't be able to answer
6 your questions about this case because they have to
7 remain impartial until after the evidence is
8 presented at an evidentiary hearing, if that is
9 necessary. If you have questions, there's
10 information posted on the Commission's website about
11 this specific case, including information about how
12 to submit any questions or comments.

13 So I'm going to call on people listed on
14 the registration list that was provided to me by the
15 parties. When I call your name, please check to
16 make sure that your line is not muted and we'll all
17 be patient with each other tonight as we figure that
18 out. I'll ask you to affirm that you'll tell the
19 truth, and then I will ask you to state and spell
20 your name. You may also identify whatever water and
21 sewer system that you're on, if you're on one of the
22 systems that's part of this case, and then you can
23 make your comments to the Commission. After you've
24 made your comments, the Commissioners may have some
25 questions to ask you to follow-up, and the attorneys

1 present for the parties might also want to ask some
2 follow-up questions.

3 All right. So now we're ready to get
4 started with the actual taking of comments. So the
5 first person that I have on my list here is
6 Mr. Michael Hyams. Do we have Mr. Hyams on the line
7 with us today?

8 MR. HYAMS: Yes, you do, Your Honor.

9 JUDGE JACOBS: Okay. Thank you very much.
10 I think you've got a pretty good connection. So
11 could you raise your right hand, sir.

12 MR. HYAMS: Yes, ma'am.

13 MICHAEL HYAMS,
14 having been first duly sworn, was examined and
15 testified as follows:

16 JUDGE JACOBS: Thank you very much, sir.
17 You want to state your name and spell it for the
18 record, and then you can let us know if you're on
19 any of the systems at issue.

20 MR. HYAMS: My name is Michael Hyams,
21 H-y-a-m-s. I'm one of the partners in Branson
22 Cedars Resort, parent company Tranquility Group,
23 LLC. Our address is 769 State Highway 86 in
24 Ridgedale, Missouri. We operate --

25 JUDGE JACOBS: So I'm going to --

1 MR. HYAMS: -- in --

2 JUDGE JACOBS: I'm sorry, I apologize for
3 interrupting. I want to make sure that everyone on
4 the call realizes that we're on a web stream, so
5 please don't share your address unless -- unless
6 that's the sort of thing that you typically provide
7 on the internet. Okay? And I'm sorry for
8 interrupting you, sir.

9 MR. HYAMS: No, ma'am, that's not a
10 problem at all. We are in the process of selling
11 our system to Confluence. And if you want me to
12 make any comments now about it, I'm happy to.

13 JUDGE JACOBS: Yes, you have the floor,
14 sir, please proceed.

15 MR. HYAMS: We have been a developer of
16 this property which we bought in bankruptcy from the
17 bank back in 2010. For the last 10 years we've
18 operated the waste water treatment and water system
19 to the best of our ability. We are builder
20 developers, we are not waste water treatment and
21 water treatment experts. It is to our benefit and
22 to the benefit of all of our guests and all of the
23 other owners that own cabins out here that a
24 professional company like Confluence takes over.
25 We've done the best we can. We've enjoyed working

1 with the PSC. They have been very easy to work with
2 and have been very patient bringing us up to speed,
3 but I know more about Coliform bacteria and effluent
4 than I hope to ever forget.

5 So for us, it's a benefit for Confluence
6 to take this over. They've been great to work with
7 as well. From Shawn Nichols to Jay Kramen
8 (phonetic) to everybody involved. We appear to have
9 picked the right company to buy this, and we have no
10 issues with them at all and are looking forward to,
11 in essence, getting out of the water and sewer
12 business and back to just being developers and
13 builders.

14 JUDGE JACOBS: Okay. Thank you, sir. Did
15 that complete your comments this evening?

16 MR. HYAMS: Yes, ma'am.

17 JUDGE JACOBS: All right. Do any of the
18 Commissioners have any questions for Mr. Hyams?
19 I'll start with the Chairman.

20 And Commissioner Kenney, did you want to
21 ask any questions?

22 MR. KENNEY: No questions. Thank you very
23 much, sir.

24 JUDGE JACOBS: Okay.

25 MR. HYAMS: Thank you.

1 JUDGE JACOBS: I trust that our
2 Commissioners tonight will be assertive if they need
3 to break in and ask some questions, so I'm going to
4 move on to the parties.

5 So do any of the parties have any
6 questions for Mr. Hyams? Looks like nobody does.
7 So it looks like we are able to proceed now to the
8 second person that I have on the list here. And
9 that person's name is Michelle Torres. And do we
10 have a Ms. Michelle Torres on the line with us
11 tonight?

12 MS. TORRES: Yes, ma'am.

13 JUDGE JACOBS: Okay. Great. And I'm
14 going to ask you to speak up a little bit for us.
15 Can you raise your right hand, ma'am.

16 MICHELLE TORRES,
17 having been first duly sworn, was examined and
18 testified as follows:

19 MS. TORRES: Okay.

20 JUDGE JACOBS: Thank you so much. Could
21 you state your name, please, and spell it for the
22 record, and then you can let us know if you're on
23 any of the systems that are at issue here tonight.

24 MS. TORRES: My name is Michelle Torres,
25 M-i-c-h-e-l-l-e, Torres, T-o-r-r-e-s. I manage L&J

1 Log Cabins Ridgedale, LLC. We have over 20 cabins
2 or utility hook-ups in the Branson Cedars Resort.

3 JUDGE JACOBS: Okay. You can go ahead and
4 make your comments to the Commission now, ma'am.

5 MS. TORRES: I really don't have any
6 comments. I just wanted to make sure that I
7 understood what was going on.

8 JUDGE JACOBS: Okay. So if you don't have
9 anything that you wanted to formally say to the
10 Commission, then I can move onto the next person.
11 And I guess I'll warn everybody, if you came here
12 tonight just to get information and you don't want
13 to make a comment, you can go ahead and let me know
14 that when I call on you. Okay?

15 So the next person I have on the line is
16 Clifford Coogan. Do we have a Mr. Coogan on the
17 line?

18 Okay. I'll try again. I don't see any of
19 the call in lines that are muted, so this person
20 should be able to speak up if they've called in.
21 Mr. Coogan, are you with us?

22 Okay. I'm going to proceed then to Rod
23 Avery. Do we have a Mr. Rod Avery on the line with
24 us tonight? Okay. I don't see anyone by that name
25 listed. And I also have someone named Mark Taylor.

1 Is there a Mark Taylor who's on the line tonight who
2 you wanted to make a comment to the Commission?

3 MR. TAYLOR: I am online and just
4 listening in for informational purposes. So I have
5 no comments or questions.

6 JUDGE JACOBS: Okay. So you did not want
7 to make any formal comments to the Commission
8 tonight; is that right?

9 MR. TAYLOR: That is correct.

10 JUDGE JACOBS: Okay. That leaves me with
11 one person who registered a little bit later, Debbie
12 Taubert. Ms. Taubert, are you available and wanted
13 to make comments? I actually do see a user on here
14 by Debbie Taubert's name. Ms. Taubert, are you
15 there?

16 MS. TAUBERT: Yes, I am. Can you hear me?

17 JUDGE JACOBS: Yes, I can. Did you intend
18 to make a formal comment to the Commission tonight?

19 MS. TAUBERT: The only comment I would
20 have would be that I am living out at Prairie
21 Heights Water Company -- or out at Prairie Heights
22 subdivision. We are --

23 JUDGE JACOBS: Okay. So I'm sorry -

24 MS. TAUBERT: -- we have water --

25 JUDGE JACOBS: I'm sorry. I apologize for

1 interrupting you, but if you want to make a comment,
2 we have to go through the process of getting you
3 sworn in first. Okay?

4 MS. TAUBERT: Oh, I'm sorry.

5 JUDGE JACOBS: That's okay. So could you
6 raise your right-hand?

7 DEBBIE TAUBERT,
8 having been first duly sworn, was examined and
9 testified as follows:

10 JUDGE JACOBS: Thank you so much. And
11 now, you can state your full name for the record and
12 spell it, and then you can also identify what system
13 you're on. I think you may have started telling us
14 about that.

15 MS. TAUBERT: Debbie Taubert,
16 T-a-u-b-e-r-t. I live in the Prairie Heights
17 subdivision and our water company is the Prairie
18 Heights Water Company. We have two separate
19 entities out here, the sewer district, and then the
20 water. I just mostly wanted to listen in and get
21 information and see how the two will play out for
22 our subdivision.

23 JUDGE JACOBS: Okay. So did you have any
24 comment at all that you wanted to add after having
25 attended the Q and A and listening in today?

1 MS. TAUBERT: I do not believe so. Thank
2 you.

3 JUDGE JACOBS: Okay. Thank you very much.
4 So now that leaves me with two other of the two
5 folks that I called on before, Mr. Coogan and
6 Mr. Avery. Have either of those people arrived this
7 evening?

8 Okay. So that leaves some room if there
9 are other folks who have called in who wanted to
10 make a comment tonight. Is there anyone on the line
11 who was hoping to do that?

12 Okay. I'm not hearing from anyone, I'm
13 not seeing any indications that there are additional
14 folks who wanted to make comments this evening. So
15 I think that what we can do is close the comment
16 section as long as no one has any indication there
17 are additional folks who want to make comments. So
18 I will proceed to do that now.

19 Now that we've heard from all of our
20 registrants, would any member of the Commission like
21 to make any closing marks? Mr. Chairman or
22 Commissioner Kenney, go ahead and speak up if you
23 have something to say tonight.

24 MR. SILVEY: Thank you, Judge. I have no
25 comments. I do appreciate the testimony that we

1 heard from the people who took time for this
2 process. So thank you for that, and thank you for
3 your running the hearing smoothly for all of us.
4 Thank you.

5 JUDGE JACOBS: All right. Thank you. And
6 Commissioner Kenney, did you want to say anything to
7 close up tonight?

8 MR. KENNEY: No, I have no comments and
9 appreciate those in attendance. Thank you.

10 JUDGE JACOBS: All right. Thank you both
11 for being here tonight. On behalf of the Commission
12 I'd like to thank you for your comments. Please be
13 aware that anyone who was not able to attend tonight
14 can make written comments by contacting the Office
15 of the Public Counsel or by going to the
16 Commissions's website.

17 I hope the sounds that I'm hearing are
18 people disconnecting and not people joining us a
19 little bit too late, unfortunately. If you have
20 joined us hoping to make comments, you need to speak
21 up right now, I was just closing the hearing.

22 So as I was saying, if you'd like to make
23 written comments, you can contact the Office of the
24 Public Counsel and go to the Commission's website
25 where you'll find additional information about this

1 case.

2 This hearing is now adjourned. Have a
3 good evening, everybody. We are now off the record.
4 Thank you.

5 (The proceedings concluded at 6:11 p.m.)

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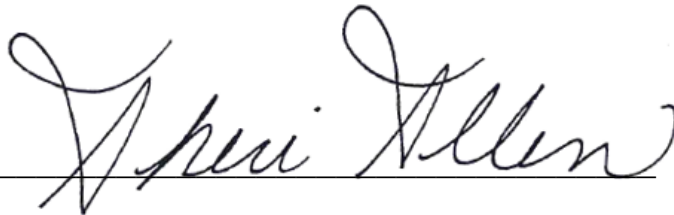
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C E R T I F I C A T E

I, Sheri Allen, a Certified Court Reporter,
CCR No. 1460(T), the officer before whom the
foregoing deposition was taken, do hereby certify
that the witness whose testimony appears in the
foregoing deposition was duly sworn by me; that the
testimony of said witness was taken by me to the
best of my ability and thereafter reduced to
typewriting under my direction; that I am neither
counsel for, related to, nor employed by any of the
parties to the action in which this deposition was
taken, and further, that I am not a relative or
employee of any attorney or counsel employed by the
parties thereto, nor financially or otherwise
interested in the outcome of the action.



Sheri Allen, CCR No. 1460(T)

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