

1 STATE OF MISSOURI
2 PUBLIC SERVICE COMMISSION
3 TRANSCRIPT OF PROCEEDINGS
4

5 Public Hearing
6 December 6, 2006
7 Reeds Spring, Missouri
8
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10 In the Matter of the Tariff)
Filing of Algonquin Water)
11 Resources of Missouri, LLC,)
to Implement a General Rate) Case No. WR-2006-0425
12 Increase for Water and Sewer)
Service Provided to Customers)
13 in its Missouri Service Areas)

14
15 HAROLD STEARLEY, Presiding
REGULATORY LAW JUDGE

16 STEVE GAW,
17 ROBERT M. CLAYTON III,
LINWARD "LIN" APPLING,
COMMISSIONERS.
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ALSO PRESENT:

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18 Mr. Bill Nickle
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Missouri Public Service Division
19 Water and Sewer Department

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21 Mr. Gary Burkhead
Algonquin Water Services, LLC
Utilities Superintendent
22 620-A East Rockford Drive
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1 P R O C E E D I N G S

2 JUDGE STEARLEY: Good evening. Can everyone on
3 site hear me all right?

4 No response?

5 MR. NICKLE: Hello. You're on.

6 JUDGE STEARLEY: There we go.

7 MR. NICKLE: Okay. Now, can you hear me?

8 JUDGE STEARLEY: Yes. Can you hear me?

9 MR. NICKLE: Yes.

10 JUDGE STEARLEY: All right.

11 MR. NICKLE: We don't have a court reporter
12 here.

13 JUDGE STEARLEY: I understand we're missing our
14 court reporter. So what we're going to do is we're
15 going to record the hearing from here.

16 We will burn it to a disk and we will have a
17 court reporter transcribe it for us later so that way we
18 can go ahead and proceed.

19 MR. NICKLE: We have five individuals that have
20 signed up.

21 JUDGE STEARLEY: All right. Are you Mr. Nickle?

22 MR. NICKLE: Yes. I am.

23 JUDGE STEARLEY: All right. Mr. Nickle, then I
24 will ask you shortly here to call the names of the
25 witnesses and they can come up to the podium.

1 I have a little bit of introductory material
2 to go through here real quickly.

3 MR. NICKLE: Thank you.

4 JUDGE STEARLEY: All right.

5 Well, good evening. It's Wednesday, December
6 6, 2006. And the Missouri Public Service Commission has
7 set this time for a local public hearing in case number
8 WR-2006-0425, in which Algonquin Water Resources of
9 Missouri seeks to implement a general rate increase for
10 its water and sewer service.

11 My name is Harold Stearley. I am the
12 regulatory law judge that will preside over tonight's
13 hearing. With me tonight are Commissioner Gaw and
14 Commissioner Appling.

15 This is an official hearing of the Public
16 Service Commission. And the statements and the
17 testimony of the witnesses tonight will be recorded.

18 Unfortunately our court reporter did not
19 make it here tonight but your statements will still be
20 recorded and we will have a court reporter transcribe
21 those for us later and they will be entered into the
22 record and all of our Commissioners will have an
23 opportunity to read all of your statements.

24 The purpose of the hearing tonight is to
25 hear from you. I will have Mr. Nickles call the names

1 of each witness in the order in which you all signed up.

2 When your name is called please come to the
3 podium and I will ask you to state and spell your name
4 so we have that clearly in the record. I may have a
5 preliminary question or two for you.

6 And after your statement the attorneys
7 present or the Commissioners present may have questions
8 for you as well. So please do not leave the podium
9 until you're finally excused.

10 We will continue with our hearing tonight
11 until everyone has had an opportunity to speak who wants
12 to speak.

13 Does anyone have any questions about the
14 procedure we're going to follow?

15 Well, hearing none then we will begin the
16 Public Hearing Case No. WR-2006-0425 in the matter of
17 the Tariff Filing of Algonquin Water Resources of
18 Missouri, LLC, to Implement a General Rate Increase for
19 Water and Sewer Service Provided to Customers in its
20 Missouri Service Areas.

21 We will begin by taking entries of
22 appearance of any of the counsel who are present tonight
23 beginning with Algonquin Water Resources of Missouri,
24 LLC.

25 MR. COOPER: Dean Cooper from the law firm of

1 Brydon, Swearingen and England, PC, appearing on behalf
2 of Algonquin.

3 JUDGE STEARLEY: Thank you, Mr. Cooper.

4 The Staff of the Missouri Public Service
5 Commission?

6 MR. KRUEGER: Keith R. Krueger for the Staff of
7 the Missouri Public Service Commission.

8 My address is PO Box 360, Jefferson City,
9 Missouri, 65101.

10 JUDGE STEARLEY: Thank you, Mr. Krueger.

11 MR. KRUEGER: I'm sorry, that 65102.

12 JUDGE STEARLEY: Thank you.

13 The Office of Public Counsel?

14 MS. BAKER: Christina Baker, appearing for the
15 Office of the Public Counsel and for the rate payors.

16 My address is PO Box 2230, Jefferson City,
17 Missouri, 65102.

18 JUDGE STEARLEY: Thank you, Ms. Baker.

19 Any other attorneys that I've missed? I
20 think we've got them.

21 All right. Commissioners, would you like to
22 make any opening remarks?

23 COMMISSIONER GAW: I would just like to welcome
24 those of you who are here this evening. We appreciate
25 your input on -- on this case and look forward to

1 hearing from -- what you have -- from you and what you
2 have to say.

3 I know everybody is busy in trying to get
4 through a lot of things this time of year but it's
5 important that we get a chance to hear your side and we
6 look forward to that.

7 Thank you very much.

8 JUDGE STEARLEY: Mr. Appling?

9 COMMISSIONER APPLING: To keep things very short
10 I echo what Commissioner Gaw had said. Welcome. Thank
11 you for coming out tonight and we look forward to
12 hearing what you have to say.

13 Thank you.

14 JUDGE STEARLEY: All right. Mr. Nickles, will
15 you please call the first witness?

16 MR. NICKLE: Yes. Denise Bart.

17 JUDGE STEARLEY: Is that Martin, the last name?

18 MR. NICKLE: Bart.

19 JUDGE STEARLEY: All right. If you could please
20 speak your name loudly and spell your last name for us?

21 MS. BART: That's Denice Bart,
22 D-e-n-i-c-e, B-a-r-t.

23 JUDGE STEARLEY: All right. Yes. Ms. Bart,
24 would you please raise your right hand?

25 (Witness sworn.)

1 JUDGE STEARLEY: All right. And are you a
2 customer of Algonquin?

3 MS. BART: I am. And I am representing 244
4 condominium owners through the Holiday Hills Condominium
5 Association.

6 JUDGE STEARLEY: All right. Thank you. You may
7 proceed.

8 MS. BART: I guess our first concern is the lawn
9 sprinklers that are metered separately from the houses.

10 We have every year -- the past two years the
11 increase has been doubling. We went from spending
12 \$6,000 a year on water on lawn sprinklers to -- we're
13 spending now over \$12,000 a year, which is -- it's been
14 a continuous increase and it is becoming an item in the
15 budget that is -- it's gonna have the association dues
16 to continue to increase because of the water.

17 My other concern is that if the sewer is
18 added in with that, that the sewer would not go through
19 the lawn sprinklers, that it would be ran separate and
20 the sewer would not go through the lawn.

21 The second thing that I have been very
22 concerned with is that the owners, the 244 owners, I
23 have called several of those owners and they were not
24 notified of this hearing or of the increase. And I
25 called several of them. And so we do have a small crowd

1 here. I think we would have had a -- more crowd if they
2 would have been notified.

3 I did call some owners and they were
4 notified of the meeting so I'm not sure why so many
5 owners were missed on the notification.

6 The last thing is I got a lot of customers
7 that are on fixed incomes and cannot take a large
8 increase. It would devastate them with such increase
9 that was proposed.

10 That's all of my concerns and questions.

11 JUDGE STEARLEY: All right then. Commission
12 Gaw, any questions?

13 COMMISSIONER GAW: Ms. Bart, I apologize if this
14 is repetitive.

15 Can you hear me okay?

16 MS. BART: Yes.

17 COMMISSIONER GAW: First of all, tell me what
18 your position is again.

19 MS. BART: Manager of the association.

20 COMMISSIONER GAW: Okay. And the association is
21 made up of whom again?

22 MS. BART: 244 owners. 27 buildings.

23 COMMISSIONER GAW: All right. Okay. And these
24 buildings are they -- are they residences, businesses?
25 Tell me what they are.

1 MS. BART: Residential.

2 COMMISSIONER GAW: Okay. And --

3 MS. BART: Privately owned.

4 COMMISSIONER GAW: Okay. And how long have you
5 been -- have you held the position you are in right now
6 about approximately?

7 MS. BART: Almost seven years.

8 COMMISSIONER GAW: Seven years. And the service
9 that you receive there, can you tell me whether it's
10 changed any since you first got there or anything about
11 the quality of service that would be helpful?

12 MS. BART: The service hasn't changed.

13 COMMISSIONER GAW: Okay. Can you evaluate
14 the -- the quality of service for me?

15 MS. BART: I would say it would be good service.

16 COMMISSIONER GAW: Okay. And is that both true
17 of water and sewer?

18 MS. BART: The sewer right now is through Taney
19 County.

20 COMMISSIONER GAW: So you are not getting
21 sewer -- I'm sorry. So you are not getting sewer
22 service?

23 MS. BART: No. But our water company is through
24 Resort Utilities.

25 COMMISSIONER GAW: Okay. And during that seven

1 year period have there been any changes in rates for
2 water?

3 MS. BART: Yes. There has.

4 COMMISSIONER GAW: Can you -- can you give me an
5 idea just from your memory what those -- what those --
6 how those increases have been and when?

7 MS. BART: They have been -- a very large
8 increase was this -- this past -- the last two years.
9 Prior to that there has been small increases but the
10 last two years it was very large.

11 COMMISSIONER GAW: And when those increases
12 occurred did you get notice of those increases before
13 they occurred?

14 MS. BART: We had notification I think back in
15 2000 that they were set to have a hearing for a water
16 increase and I don't believe that happened. I think it
17 was turned down. I'm not really sure the results on
18 that but I do not believe it was.

19 COMMISSIONER GAW: Okay. And can you give me --
20 you mentioned the -- the service that you -- that you
21 were paying currently for watering the lawn, is that
22 correct?

23 MS. BART: Uh hum.

24 COMMISSIONER GAW: Is that an association
25 expense I assume?

1 MS. BART: Yes. It is.

2 COMMISSIONER GAW: Do you live in this area
3 yourself?

4 MS. BART: I do not.

5 COMMISSIONER GAW: Okay. So if I wanted to ask
6 someone about their -- their particular home residential
7 use and bills currently you do have somebody there that
8 will follow you, right?

9 MS. BART: Absolutely. I can tell you that this
10 past summer we spent anywhere from \$2,500 to \$3,000 in
11 the peak months for the -- for the lawn sprinklers per
12 month.

13 COMMISSIONER GAW: Okay. Do you know how that
14 bill has changed in the seven years you've been there?
15 Can you give me some ideas of how that's varied?

16 MS. BART: Yeah. It went from -- it was a
17 gradual -- you know -- increase. And then like I said
18 the last two years it was a -- it was pretty much a
19 double.

20 COMMISSIONER GAW: And do you know if the
21 quantity of use varied that could have been a factor in
22 that? Or is that mostly due to rate increases?

23 MS. BART: Well, it definitely could of -- you
24 know -- been in effect because of the lawn sprinklers.
25 We do adjust them as needed. But I would say it would

1 not warrant for that type of increase.

2 COMMISSIONER GAW: Okay. And I -- I understand
3 you to be objecting to this increase, is that correct?

4 MS. BART: That is correct.

5 COMMISSIONER GAW: When did you receive notice
6 about this hearing, do you know?

7 MS. BART: I received my letter right after
8 Thanksgiving. I don't have that exact date but it was
9 right after Thanksgiving.

10 COMMISSIONER GAW: Okay. And this -- this
11 notice, did it come to the association?

12 MS. BART: It did.

13 COMMISSIONER GAW: All right. But you -- do you
14 know whether or not any of the actual owners in the --
15 that are members of the association received a similar
16 notice?

17 MS. BART: Many of them that I called did not
18 receive it. And there were less that did receive it
19 then -- more than did not so -- you know -- it was --
20 you know -- I believe that there are some of the owners
21 here tonight that did not receive the notification but I
22 had called them and -- you know -- gave them notice of
23 the hearing.

24 COMMISSIONER GAW: Okay. Thank you for doing
25 that, by the way.

1 Is there anything else you would like to
2 add?

3 MS. BART: I don't think so at this time. There
4 wasn't any notification in our paper that -- that we saw
5 and again there is several eyes -- you know -- from
6 homeowners that did not see it in the -- in the local
7 Branson paper --

8 COMMISSIONER GAW: Okay.

9 MS. BART: -- or Taney County papers.

10 COMMISSIONER GAW: Okay. Thank you for telling
11 us that, too.

12 And that would be the media that most people
13 would be receiving there in that community, correct?

14 MS. BART: Correct.

15 COMMISSIONER GAW: All right. Thank you very
16 much, Ms. Bart, for coming.

17 MS. BART: Thank you.

18 JUDGE STEARLEY: Thank you, Commissioner Gaw.

19 Commissioner Appling?

20 COMMISSIONER APPLING: Just one additional
21 question. And thank you very much for being here
22 tonight.

23 I don't quite understand if it went to the
24 association why didn't each member get a copy of the
25 notification. Help me out with that, please.

1 What was supposed to transpire? Who was
2 supposed to notify the individual homeowners?

3 MS. BART: I would assume the water company that
4 is proposing for the increase. I would assume that
5 whoever receives -- each individual owner receives a
6 water bill.

7 COMMISSIONER APPLING: Right.

8 MS. BART: And that owner should have received
9 notification, just like the water bill.

10 COMMISSIONER APPLING: Has to -- has the lawn
11 sprinkler system, has it been hooked up to these condos
12 since day one since it was built?

13 MS. BART: Yes, sir.

14 COMMISSIONER APPLING: Okay. Thank you very
15 much.

16 JUDGE STEARLEY: All right. Do we have any --
17 thank you, Commissioner Appling.

18 Do we have any questions from the attorneys
19 that are present?

20 MR. COOPER: No, sir.

21 MS. BAKER: I do have one question.

22 My question is you had -- you acceded that
23 you had thought that maybe the quantity of use had gone
24 up. But you had stated that the price had doubled. Do
25 you believe that your quantity of use has doubled?

1 MS. BART: No.

2 MS. BAKER: Anywhere near double?

3 MS. BART: No. No.

4 MS. BAKER: The other question that I have is
5 are most of the people that you represent, are they a
6 full-time residents there, or are they vacation weekend
7 residents?

8 MS. BART: We have a mixture of ownership. A
9 lot of them are a second home. But we have pretty much
10 95 percent occupied, whether they are rented, or nightly
11 rental, or owner occupied. So the majority of our
12 units are occupied.

13 MS. BAKER: Okay. So the ones that you had
14 contacted are the ones who were there and who would have
15 received the bill --

16 MS. BART: I did a mixture out calls, out of
17 state, in state -- you know -- in our Branson area. So
18 I did a mixture of calling. I have five board of
19 directors and none of them received notification.

20 MS. BAKER: I think that's all the questions I
21 have. I thank you for coming today.

22 MS. BART: Thank you.

23 JUDGE STEARLEY: Excuse me, Ms. Bart. Hold on
24 just a minute, please.

25 Were there any follow-up questions from the

1 Commissioners? No? Any from the attorneys?

2 All right. Thank you.

3 MR. KRUEGER: Yes, Your Honor. I would like to
4 ask a question.

5 Mrs. Bart, the association is billed for its
6 water usage, which is I understand primarily sprinkling
7 or irrigation, is that right?

8 MS. BART: Correct.

9 MR. KRUEGER: Is it -- is it exclusively for
10 that or is there any other purpose that the association
11 has water use?

12 MS. BART: We do have one swimming pool that we
13 fill up in the spring and use that for but primarily
14 that's lawn sprinklers.

15 MR. KRUEGER: Okay. But the usage to your
16 knowledge hasn't changed in any significant way over the
17 years. The amount used?

18 MS. BART: The amount of the water? Not -- not
19 to warrant the rate increase that we have already
20 endured for the last two years. No, sir.

21 MR. KRUEGER: On your bills can you tell what
22 the rate is? Have you -- have you -- do you know that
23 the rate has increased or --

24 MS. BART: Yes.

25 MR. KRUEGER: -- is it just the amount of the

1 bill that has increased?

2 MS. BART: No. From what we have logged back
3 the last two years that it definitely has been a rate
4 increase.

5 MR. KRUEGER: And the association is separately
6 metered from all of the residents there, is that
7 correct?

8 MS. BART: Correct.

9 MR. KRUEGER: Okay. Thank you. That's all the
10 question that I have.

11 MS. BART: Okay.

12 JUDGE STEARLEY: All right. Any other questions
13 for Ms. Bart?

14 All right. Thank you for your testimony,
15 Ms. Bart. You may be excused.

16 MS. BART: Thank you.

17 MR. NICKLE: Our next witness is I believe
18 Gay -- Guy. I'm sorry, Guy.

19 JUDGE STEARLEY: All right. Sir, if you will
20 please state and spell your name for us.

21 MR. PARDUE: Guy, G-u-y, Pardue, P-a-r-d-u-e.

22 JUDGE STEARLEY: All right. Mr. Pardue, if you
23 would please raise your right hand.

24 (Witness sworn.)

25 JUDGE STEARLEY: And, Mr. Pardue, are you a

1 customer of Algonquin?

2 MR. PARDUE: Yes. I'm a homeowner at Holiday
3 Hills.

4 JUDGE STEARLEY: All right. You may proceed
5 with your comments.

6 MR. PARDUE: The one oppose that I do have is
7 I'm on a fixed income. Every time the cost of living --
8 I get an increase, somebody's got their hand out. I
9 don't get a cost of living. That's my complaint.

10 But as far as the company is concerned, I
11 totally believe they need a raise. I think they need an
12 increase but not double. That's -- that's way out of --
13 out of sight. I'm not against an increase.

14 And it would -- it -- each -- each time I
15 get a check in the mail somebody's got their hand out
16 and I just -- it's down hill and down there and the
17 first thing you know it's running into dollars and I
18 can't afford it.

19 The service I got is really good. I can't
20 complain about the service. And I'm not against the
21 Commission giving them a raise, an increase, but to
22 double it, it would put a hardship on me.

23 That's all -- the only thing I have to
24 state.

25 JUDGE STEARLEY: All right. Commissioner Gaw,

1 questions?

2 COMMISSIONER GAW: No, sir. Thank you for
3 coming. We really appreciate your comments.

4 JUDGE STEARLEY: Okay. Commissioner Appling?

5 COMMISSIONER APPLING: No -- no questions, Mr.
6 Pardue. Thank you for coming in tonight.

7 JUDGE STEARLEY: Any questions from the
8 attorneys?

9 MR. COOPER: No, sir.

10 JUDGE STEARLEY: Mr. Pardue, are you a full-time
11 resident at Holiday Hills?

12 MR. PARDUE: Yes, sir. I am. I bought that in
13 '94.

14 JUDGE STEARLEY: All right. And has your water
15 usage increased?

16 MR. PARDUE: Not the usage. No.

17 JUDGE STEARLEY: All right. Okay.

18 MR. PARDUE: I've got no complaints about the
19 service I got.

20 JUDGE STEARLEY: All right. And have your
21 bills -- have you noticed a rate increase in the past
22 seven years on your bills?

23 MR. PARDUE: It's -- it's been a small amount
24 but nothing -- nothing I would complain about. But to
25 double it, it -- it would be outrageous.

1 JUDGE STEARLEY: All right then. I have no
2 further questions.

3 Are there any other questions?

4 MR. COOPER: I do, Your Honor, if I could.

5 Sir, how -- how did you find out about
6 tonight's hearing?

7 MR. PARDUE: I got a notice in the mail.

8 MR. COOPER: Thank you.

9 JUDGE STEARLEY: Mr. Pardue, was that notice
10 from Algonquin or -- who did you receive that notice
11 from?

12 MR. PARDUE: To tell you the truth I don't
13 remember.

14 JUDGE STEARLEY: All right. Well, thank you.

15 Any other questions for Mr. Pardue?

16 Thank you for your testimony, Mr. Pardue.
17 You may be excused.

18 MR. PARDUE: Thank you.

19 MR. NICKLE: The next witness is Mr. Hume.

20 JUDGE STEARLEY: All right.

21 MR. HUME: My name is Al -- you are supposed to
22 face the camera, right?

23 My name is Al Hume, A-l, H-u-m-e.

24 JUDGE STEARLEY: All right. Mr. Hume, would you
25 please raise your right hand?

1 (Witness sworn.)

2 JUDGE STEARLEY: Okay. Mr. Hume, are you a
3 customer of Algonquin?

4 MR. HUME: I'm a customer. I'm a homeowner
5 since '94 there.

6 JUDGE STEARLEY: All right. You may proceed.

7 MR. HUME: Okay. I'm in the same situation Mr.
8 Pardue was. I'm retired military and when we get our
9 checks everyone's got their hands out.

10 And it comes right down to the fact when you
11 look at a raise like they are recommending here, that's
12 a little out of line as far as I'm concerned. It's just
13 way too much. I can't afford that kind of raise.

14 And that's -- like I say again -- what I
15 protest is the size of the raise. Looking at the bill
16 here you're talking about 100 percent on sewerage. Over
17 a period of time there are two raises I see coming up in
18 that.

19 There is a raise coming up with the -- with
20 the water. And as far as I'm concerned it's way out of
21 line in what they are probably due. So I would like
22 this looked into real close before approved.

23 That's about what I have to say.

24 JUDGE STEARLEY: All right. Commissioner Gaw?

25 COMMISSIONER GAW: Mr. Hume, thank you for

1 coming tonight. First of all, I appreciate you taking
2 the time.

3 Can you give me -- if you want to give me an
4 idea about what it's costing right now for your water
5 and sewer service.

6 MR. HUME: Well, my water right now I believe is
7 about \$20 or \$21, and so is the sewage right now.

8 COMMISSIONER GAW: Okay.

9 MR. HUME: It's around the same price.

10 COMMISSIONER GAW: And is that per month I
11 assume?

12 MR. HUME: That's per month.

13 COMMISSIONER GAW: Okay. And can you tell me
14 whether or not that -- do you use a lot of water would
15 you say?

16 MR. HUME: No.

17 COMMISSIONER GAW: A medium amount. Very
18 little? How do you --

19 MR. HUME: Just me and my wife there. We don't
20 use that much water at all.

21 COMMISSIONER GAW: Okay. You don't have a
22 swimming pool in the back or a lot of sprinklers or
23 things going?

24 MR. HUME: We don't have a sprinkler. There is
25 no room.

1 COMMISSIONER GAW: Well, I understand. So if --
2 if you are looking at -- at the service itself, is the
3 service quality okay or can you -- have you got any
4 complaints about that?

5 MR. HUME: No. There is nothing wrong with the
6 service. They are keeping them up now. At first when
7 we went in they had trouble cutting their teeth in it.

8 COMMISSIONER GAW: Did they?

9 MR. HUME: Oh, real bad. We went through quite
10 a spell but now it's pretty good.

11 COMMISSIONER GAW: Okay.

12 MR. HUME: And -- oh, yeah.

13 COMMISSIONER GAW: When was that time frame?
14 Can you give me an idea of when you are talking about
15 they had some difficulties?

16 MR. HUME: When we was building the apartments
17 they was hooking them up and hooking up each individual
18 unit to it instead of making a turn-off so they can just
19 plug in -- you know.

20 They had to turn off all the water for the
21 whole area to hook up every unit as they were putting it
22 in. It got to be pretty old.

23 COMMISSIONER GAW: Yes, sir. How long ago was
24 that?

25 MR. HUME: What -- about five years. Six.

1 COMMISSIONER GAW: Okay.

2 MR. HUME: Something like that.

3 COMMISSIONER GAW: All right.

4 MR. HUME: And then there was a lot of breakage
5 there after they got that done, too.

6 COMMISSIONER GAW: Yes, sir.

7 Is that -- and you have both water and sewer
8 service from this company?

9 MR. HUME: Yes. We do.

10 COMMISSIONER GAW: Okay.

11 MS. BAKER: Just the water.

12 MR. HUME: Just the water. Right.

13 COMMISSIONER GAW: Just the water. Okay.

14 Thank you, sir, very much. I appreciate the
15 information. I think there may be some other questions
16 but I'm going to pass over to them.

17 JUDGE STEARLEY: All right. Commissioner
18 Clayton has joined us now as well.

19 Commissioner Clayton, this is Al Hume. Do
20 you have any questions for Mr. Hume?

21 COMMISSIONER CLAYTON: No. No. I don't, Judge.
22 Thank you.

23 JUDGE STEARLEY: Commissioner Appling?

24 COMMISSIONER APPLING: Al, this is Lin Appling.
25 And I'm a retired military guy, too, but I haven't made

1 it quite to the fixed income but I'm headed that way
2 pretty soon.

3 Looking at -- what is -- what is your
4 association fees?

5 MR. HUME: \$171 a month now.

6 COMMISSIONER APPLING: Does that include your
7 sprinkler system?

8 MR. HUME: Yes. It does.

9 COMMISSIONER APPLING: And how much increase in
10 the sprinkler system have you -- is it individually
11 hooked up to each unit? Or does the water come on for
12 everybody?

13 MR. HUME: The water comes on outside there.
14 It's completely separate from the units.

15 COMMISSIONER APPLING: Okay. That helped me out
16 a little bit more but I was just trying to find out what
17 your association -- what were your association fees
18 seven years ago when you first moved down there?

19 MR. HUME: When I first moved, that was in '94,
20 it was in -- I believe it was \$75.

21 COMMISSIONER APPLING: And now it has doubled?

22 MR. HUME: Oh, it has that.

23 COMMISSIONER APPLING: Yes. Okay, sir. Thank
24 you very much.

25 JUDGE STEARLEY: All right. Any questions from

1 any attorneys?

2 MS. BAKER: What all does your association fees
3 include besides the -- the sprinklers?

4 MR. HUME: Well, that's -- they got the
5 maintenance man to take care of all the outside. The
6 upkeep, the insurance, swimming pool, streets, gates.

7 MS. BAKER: Have you noticed any -- any changes
8 in the last couple of years in -- in services for the
9 association that would -- that would take into account
10 the raise in it or --

11 MR. HUME: No.

12 MS. BAKER: -- is it just because of the water?

13 MR. HUME: We're getting about the same service
14 we've always got over there.

15 MS. BAKER: And which -- which utility are you
16 with? Are you Holiday Hills?

17 MR. HUME: I'm Holiday Hills.

18 MS. BAKER: I think that's all the questions
19 that I have. Thank you.

20 JUDGE STEARLEY: Any follow-up questions for Mr.
21 Hume?

22 MR. COOPER: Just one, Your Honor.

23 MR. COOPER: Mr. Hume, how did you find out
24 about tonight's meeting?

25 MR. HUME: I recieved a letter but we didn't get

1 them from the Resort Utilities because they send out a
2 card. Just a card we get from them. So they didn't
3 send it along with it. I received it in an envelope.

4 MR. BURKHEAD: Right. That's the way we send
5 them out.

6 MR. HUME: Right. Yeah. I got that. And don't
7 ask me why, but I did.

8 MR. COOPER: Fair enough. Thank you.

9 JUDGE STEARLEY: All right. Thank you, Mr.
10 Hume. We appreciate your testimony. You may be
11 excused.

12 MR. HUME: Thank you.

13 JUDGE STEARLEY: Mr. Nickle, do you have our
14 next witness for us?

15 MR. NICKLE: Okay.

16 MR. SEVATSON: Okay. I am -- my name is -- I
17 better spell it out. S-i-l-a-s is the first name.
18 Second, S-e-v-a-t-s-o-n.

19 JUDGE STEARLEY: How do you pronounce your last
20 name, sir, before I butcher that?

21 MR. SEVATSON: Okay. Sevatson.

22 JUDGE STEARLEY: Sevatson?

23 MR. SEVATSON: Right.

24 JUDGE STEARLEY: All right. Mr. Sevatson, would
25 you please raise your right hand?

1 (Witness sworn.)

2 JUDGE STEARLEY: And Mr. Sevatson, are you a
3 customer of Algonquin?

4 MR. SEVATSON: Yes.

5 JUDGE STEARLEY: Okay. And are you --

6 MR. SEVATSON: Oh, no. Not of Algonquin.
7 Pardon me. It is. Okay.

8 JUDGE STEARLEY: All right. You may proceed.

9 MR. SEVATSON: It has changed I guess. Yes.

10 JUDGE STEARLEY: It has changed? Well, let me
11 clarify that as far as then -- are you a customer of
12 Algonquin or do you just pay fees through your condo's
13 association?

14 MR. SEVATSON: No. We pay our regular fees
15 to -- every month. And we pay them separately and --
16 and, of course, what -- the point I'm making is I --
17 here I just was informed today about this. And, of
18 course, it -- it becomes -- I would like to have had
19 more notice.

20 And I know the problem has existed that
21 everyone is in the same position so -- I -- I can -- any
22 other questions you want to ask before I --

23 JUDGE STEARLEY: No. You can go ahead and
24 proceed with your testimony.

25 MR. SEVATSON: Okay. I purchased my condo in --

1 over there in 1994. And we moved permanently to the
2 area in 2000. So I've lived there now for five years as
3 a permanent resident.

4 And I -- and I had just invested and had
5 some records in the condo prior to my living there.

6 We're very pleased with -- with the
7 situation as far as living there and we like it very
8 much. Of course, in Branson you haven't got much
9 problem with entertainment. There is a lot of it.

10 No. I'll have to say this. My point -- I
11 haven't had a lot of time to -- to -- just knowing --
12 hearing about it around 3:30 or 4:00 this afternoon, and
13 it just came up very fast.

14 And so -- but I am very much interested and
15 concerned about the doubling of the -- of the cost. And
16 I take the same basic -- what others have mentioned
17 earlier I think kind of exists in my department -- my
18 situation.

19 So I'm not going to make any big situation
20 about that but we'll -- we'll have to face up to that is
21 what we can and when we have to.

22 JUDGE STEARLEY: Mr. Sevatson?

23 MR. SEVATSON: Yes.

24 JUDGE STEARLEY: Do you have some more testimony
25 or are you ready for some questions from the

1 Commissioners?

2 MR. SEVATSON: Well, I don't have any further
3 testimony at this point.

4 JUDGE STEARLEY: Okay.

5 MR. SEVATSON: And I -- and I think perhaps if
6 there is any questions I'll be glad to try to answer.

7 JUDGE STEARLEY: All right. I'll start with
8 Commissioner Gaw.

9 COMMISSIONER GAW: Mr. Sevatson, thank you very
10 much for coming. And can you give me a general idea of
11 about how much your water bill is a month if you wish
12 to?

13 MR. SEVATSON: Yeah. Water is someplace around
14 the \$20 -- \$20 or \$20-plus. You know -- it can go \$25
15 sometimes.

16 COMMISSIONER GAW: Okay. And as you --

17 MR. SEVATSON: It's very calm and regular.

18 COMMISSIONER GAW: And -- and do you have -- do
19 you have a -- a moderate to small amount of usage per
20 month would you say?

21 MR. SEVATSON: I would say we do. We don't have
22 an extreme usage.

23 COMMISSIONER GAW: Okay.

24 MR. SEVATSON: It's just two people.

25 COMMISSIONER GAW: And is the service quality

1 okay?

2 MR. SEVATSON: Very good.

3 COMMISSIONER GAW: Okay.

4 MR. SEVATSON: I am very pleased.

5 COMMISSIONER GAW: And how long have you lived
6 in the -- in the complex or the area there?

7 MR. SEVATSON: Yeah. Five years.

8 COMMISSIONER GAW: Five years. Okay.

9 MR. SEVATSON: We came in '99. Well, we're
10 going on about six now.

11 COMMISSIONER GAW: All right.

12 MR. SEVATSON: Yeah.

13 COMMISSIONER GAW: Thank you very much, sir.

14 JUDGE STEARLEY: All right. Commissioner
15 Clayton?

16 COMMISSIONER CLAYTON: Mr. Sevatson, I don't
17 have any questions for you. I appreciate you coming out
18 even on this short notice.

19 MR. SEVATSON: All right. Thank you.

20 JUDGE STEARLEY: Commissioner Appling?

21 COMMISSIONER APPLING: Sir, can you -- can you
22 take a stab at why you think the increase in the
23 sprinkler system -- what is -- what are the costs of the
24 water? Do you have an idea?

25 MR. SEVATSON: No. I'm gonna take any -- I

1 wouldn't know what -- what to tell you on that.

2 COMMISSIONER APPLING: Okay. Thank you very
3 much, sir.

4 JUDGE STEARLEY: Do we have any questions from
5 the attorneys?

6 MS. BAKER: You also are a resident at Holiday
7 Hills?

8 MR. SEVATSON: Yes.

9 MS. BAKER: Holiday --

10 (There was a short interruption.)

11 MR. NICKLE: Oh, technology works. It can work
12 for you.

13 JUDGE STEARLEY: We're back. Sorry about that,
14 Mr. Sevatson.

15 Ms. Baker, would you please repeat your
16 question? We had a little breakdown of our technology.

17 MS. BAKER: My question was -- was he a resident
18 of Holiday Hills.

19 MR. SEVATSON: Yes. It -- since 2000.

20 MS. BAKER: Since 2000. Thank you. Thank you
21 very much.

22 JUDGE STEARLEY: Okay. Any further questions
23 for Mr. Sevatson?

24 MR. COOPER: No, sir.

25 JUDGE STEARLEY: Mr. Sevatson, thank you for

1 your testimony. You may be excused now.

2 MR. SEVATSON: Thank you.

3 MR. NICKLE: Our fifth and last witness to sign
4 up -- Mike?

5 Our court reporter has arrived.

6 THE COURT REPORTER: I'm sorry. Mapquest had me
7 off by ten miles. I went to three gas stations.

8 I don't know what you want me to do.

9 MR. NICKLE: It's taken care of, is that not
10 correct?

11 JUDGE STEARLEY: Yes. Yes. It is. We had gone
12 ahead and we're recording it here.

13 We will burn a copy of the recording to a
14 disk and have the court reporter transcribe it in full
15 later.

16 THE COURT REPORTER: I'm sorry. I've been
17 driving for over two hours. Mapquest had me ten miles
18 off. I've been to three gas stations. I'm so sorry.

19 JUDGE STEARLEY: That is quite all right. Since
20 this is our last witness, though, I don't think you need
21 to bother to set up. We'll just march forward here.

22 Sir, if you will please state and spell your
23 name for us?

24 MR. ARMFIELD: My name is Mike Armfield,
25 A-r-m-f-i-e-l-d. And I am the manager of Ozark County

1 Condominiums.

2 JUDGE STEARLEY: Could you repeat your last name
3 for me, please?

4 MR. ARMFIELD: Armfield. A-r-m-f-i-e-l-d.

5 JUDGE STEARLEY: Great. And Mr. Armfield, will
6 you please raise your right hand?

7 (Witness sworn.)

8 JUDGE STEARLEY: And Mr. Armfield, are you a
9 customer of Algonquin?

10 MR. ARMFIELD: Yes, sir. I am.

11 JUDGE STEARLEY: All right. You may proceed.

12 MR. ARMFIELD: Like I said I represent
13 approximately 101 owners at the Ozark Mountain
14 Condominiums just south of Kimberling City.

15 We received information of this meeting,
16 number one, through the newspaper. It came out sometime
17 after the 10th of November.

18 I did receive written notice of this hearing
19 in the mail on the Monday or Tuesday after Thanksgiving.
20 And some of my residents received it and some of them
21 did not.

22 I've got an example here with me tonight.
23 One man received it. The other man lives on property
24 and he did not.

25 My concerns with this increase is that,

1 number one, I represent -- about 25 percent of my owners
2 are on fixed incomes. And the bottom line is a couple
3 of them do live on property now and there are others
4 that were planning on moving in.

5 But looking at the rate increase of almost
6 255 or 268 percent, whatever it was, that's a way lot
7 more than they are used to paying.

8 They come from an area where their sewer,
9 water and trash bills are running \$35 or \$40 a month and
10 now they are looking at spending close -- if I'm doing
11 my math right on this sometimes it's close to \$200 a
12 month depending on what their water rate is.

13 The second concern that I have is the fact
14 that again -- reiterating what Ms. Bart said -- is that
15 the irrigation water that is being used on our facility,
16 are we going to be charged for sewer with it.

17 Right now each one of my buildings has a
18 separate meter. And I have one -- two meters on the
19 clubhouse.

20 The association is responsible for paying
21 their irrigation bill in the summertime, which this year
22 did not get turned on until August the 15th.

23 My bills went from \$56 a month in July I
24 believe it was, or \$75 in July, to well over \$1,000 in
25 August. And then they went to almost \$1,100, \$1,200 in

1 September. And last month was \$900.

2 And I just received -- got the mail today
3 and I didn't get a chance to get into it to see what
4 this month's bill is.

5 I think the increase of 268 percent is --
6 like I said it's unreasonable.

7 The third question that I have in regards
8 to -- I'm new to this area. I come down here in January
9 and I took over this position.

10 One of the things I had to take over was
11 kind of a sow's ear so-to-speak as far as what I got
12 into in the development itself.

13 We had a major storm in March. We had a lot
14 of damage over there. But one of the things I'm
15 concerned about is that we also got three major water
16 leaks on the property that is running down on the Corp's
17 property.

18 I have told -- a representative has come
19 down two or three times about it and quite honestly I
20 don't understand why Stan hasn't been there.

21 He knows about one. We fixed it in the
22 spring. But it started again sometime around the 4th of
23 July and it's been pouring downhill ever since.

24 So it's one of those things I'm a little
25 concerned. You are asking for a 268 percent increase in

1 the water rate and I'm leary about the standard of
2 service and the quality of service we have now as far as
3 repairs.

4 One of the other issues I dealt with back in
5 June and July is our water was milk. It looked like
6 one-percent low-fat milk that you buy in the grocery
7 store. We had a lot of people that wouldn't drink it.
8 We had a lot of people that complained about it.

9 And what we found out is it had too much air
10 in it. And, of course, that took a long time to figure
11 out.

12 We have pressure related issues at the
13 bottom of the hill down there. Some units have lost -- I
14 lose about two garden hoses a month if I forget and
15 leave the garden hose on because the pressure in the
16 line will blow a garden hose up at the pool house.

17 So these are all things that my -- that my
18 association wanted to make you aware of. And like I
19 said I understand that a 268 increase is a little above
20 and beyond the call of reason.

21 Thank you.

22 JUDGE STEARLEY: All right. Questions from
23 Commissioner Gaw?

24 COMMISSIONER GAW: Thanks for coming, Mr.
25 Armfield.

1 Can you give me an idea about how long
2 you've been in your current position?

3 MR. ARMFIELD: January 1, 2006.

4 COMMISSIONER GAW: Okay.

5 MR. ARMFIELD: Since then.

6 COMMISSIONER GAW: Do you have any experience
7 with this particular association just being around it or
8 being in the area before then?

9 MR. ARMFIELD: I've been coming down here for 20
10 years. I don't know what they had prior to that, sir.
11 No.

12 COMMISSIONER GAW: That's okay. I'm just trying
13 to get a perspective on how far back I can ask questions
14 about.

15 In regard to -- to the issues that you've
16 observed, and these have all been issues you've observed
17 this year on pressure and quality issues?

18 MR. ARMFIELD: Yes, sir.

19 COMMISSIONER GAW: Okay. Have you -- have you
20 complained or called anyone with the company about those
21 issues?

22 MR. ARMFIELD: Almost on a daily basis and in
23 some cases without a week. To be real honest in Stan's
24 defense, the representative of the water company, he
25 usually calls me if there is a problem and let's me know

1 what's going on.

2 COMMISSIONER GAW: Okay.

3 MR. ARMFIELD: I got to hand it to Stan. Stan
4 has been a wonderful help down there for me.

5 COMMISSIONER GAW: Okay. What kind of -- so is
6 the response that you are getting good when you have a
7 problem? Is that what you are telling me?

8 MR. ARMFIELD: Other than -- other than my
9 leaks. I mean I couldn't do anything about the water
10 milk -- I mean the milk in the water. That took about a
11 week, ten days, maybe two weeks to work that out.

12 The leak is still on the hill side going
13 down on the Corps property. And I really don't want to
14 deal with the Corps if they come around.

15 COMMISSIONER GAW: Now, this -- this issue on
16 the leak is from the water line or the sewer line?

17 MR. ARMFIELD: The water line.

18 COMMISSIONER GAW: It's the water line.

19 MR. ARMFIELD: It's the water line.

20 COMMISSIONER GAW: And it's -- it's a line that
21 belongs to the company, correct?

22 MR. ARMFIELD: Well, that's what I need the
23 company's help with. I don't know where the line -- I
24 know it's not coming off of one of my meters.

25 COMMISSIONER GAW: Okay.

1 MR. ARMFIELD: So I don't know where it's coming
2 from.

3 COMMISSIONER GAW: But -- but it is something
4 you think is associated with their -- their
5 infrastructure?

6 MR. ARMFIELD: Obviously it's there water. We
7 had it tested. It has chlorine in it.

8 COMMISSIONER GAW: Okay. And what are they
9 telling you about -- first of all, when did you first
10 notify them about this problem again?

11 MR. ARMFIELD: First time was probably back in
12 January, February. And we had it fixed by the first of
13 April.

14 COMMISSIONER GAW: Okay. And then what
15 happened?

16 MR. ARMFIELD: And then sometime around the 4th
17 of July weekend it popped again.

18 COMMISSIONER GAW: All right.

19 MR. ARMFIELD: And we talked about it on
20 numerous occasions since then.

21 COMMISSIONER GAW: And when you say you talked
22 about it, you mean with Stan?

23 MR. ARMFIELD: I asked Stan about it. And we're
24 going to get to it.

25 COMMISSIONER GAW: Okay. So nothing's happened

1 since then in regards to fixing it?

2 MR. ARMFIELD: I got two other ones down there
3 now that come and go. I don't know where that's from.

4 COMMISSIONER GAW: All right. When those --
5 when those -- when those leaks are occurring in addition
6 to the water draining off, does it have an impact on the
7 water pressure or the water quality in the -- in the
8 system that -- that you are aware of?

9 MR. ARMFIELD: I don't -- I'm not aware of it
10 other than one morning you can get up and your faucet
11 likes to blow out of the sink and the next minute -- you
12 know -- the next day you are worried about getting
13 enough water to fill your coffee pot.

14 COMMISSIONER GAW: Okay.

15 MR. ARMFIELD: It's just been ongoing. It's off
16 and on all the time.

17 COMMISSIONER GAW: Have you get -- been given an
18 explanation from any representative from the company as
19 to why that is?

20 MR. ARMFIELD: I was given an explanation of the
21 pressure was because we're at the bottom of the hill.
22 And they just put in two new pressure regulating valves
23 on top of the hill but I'm still getting complaints from
24 residents.

25 Building 400 has excessive pressure in it.

1 We tested it and at one point one unit had 120 pounds
2 coming into it.

3 COMMISSIONER GAW: Okay.

4 MR. ARMFIELD: If you turn the water on it
5 dropped down to -- I think it was 16 pounds.

6 COMMISSIONER GAW: Okay.

7 MR. ARMFIELD: So we ended up replacing the
8 pressure regulation valve on that particular unit. But
9 that's -- 120 pounds of pressure is way too much
10 pressure.

11 COMMISSIONER GAW: Do you know -- do you have
12 any idea what the -- what the normal pressure should --
13 pressure ranges should be?

14 MR. ARMFIELD: I've been told it should be
15 somewhere in the neighborhood of 40 to 60.

16 COMMISSIONER GAW: Okay.

17 MR. ARMFIELD: Other than that I don't know.

18 COMMISSIONER GAW: Okay. But -- okay. I
19 understand.

20 Did the company tell you that by chance?

21 MR. ARMFIELD: On the pressure?

22 COMMISSIONER GAW: Yes.

23 MR. ARMFIELD: Yes. Stan -- I don't remember
24 his exact numbers but he told me what was supposed to be
25 normal.

1 COMMISSIONER GAW: Okay. So that's where you're
2 getting those figures?

3 MR. ARMFIELD: Yeah.

4 COMMISSIONER GAW: That was a yes? Since we're
5 not transcribing --

6 MR. ARMFIELD: I'm sorry. Yes.

7 COMMISSIONER GAW: Okay. We're not transcribing
8 with a court reporter --

9 MR. ARMFIELD: I understand.

10 COMMISSIONER GAW: -- so I probably should make
11 sure --

12 MR. ARMFIELD: I'm sorry.

13 COMMISSIONER GAW: Let -- let me ask you in
14 regard to -- in regard to your association, does it also
15 have sewer service from this company?

16 MR. ARMFIELD: We have one building that I would
17 pay a sewer bill on and that's our clubhouse building.

18 COMMISSIONER GAW: Okay. And the other --

19 MR. ARMFIELD: There are two -- there are two
20 bathrooms in there.

21 COMMISSIONER GAW: Okay. What about the
22 residents there? Do they --

23 MR. ARMFIELD: We do not pay. They are all
24 privately billed.

25 COMMISSIONER GAW: Not you, but do they pay

1 their portion -- their sewer to this company I guess is
2 what I'm asking.

3 MR. ARMFIELD: Yes. Yes.

4 COMMISSIONER GAW: Okay. So the -- so the rate
5 increase impacts all of them as well?

6 MR. ARMFIELD: Yes, sir.

7 COMMISSIONER GAW: And just to clarify, when you
8 say you don't want to pay sewer service for the water
9 that you use on your sprinklers, are you referring to
10 rates on the sewer service that are tied to the amount
11 of water that you use?

12 MR. ARMFIELD: It's my understanding that your
13 sewer rate -- you are charged for your sewers based on
14 the amount of water you use.

15 COMMISSIONER GAW: Yeah.

16 MR. ARMFIELD: If my meters are showing -- I
17 don't want the sewer bill to reflect that -- that I'm
18 not -- the water is not going back into the sewer
19 system. It's going out on the ground.

20 COMMISSIONER GAW: I understand.

21 Do you know if you pay that in that fashion
22 now currently?

23 MR. ARMFIELD: I'm -- I'm not sure. We've
24 had -- I had the irrigation system worked on in June.
25 We did not turn it on until August.

1 My August bill -- like I said -- was a
2 little bit over \$1,000. The September bill was like
3 \$1,200 or \$1,300, if I remember right. It was up there.
4 And then last month it was \$900 give or take. And I had
5 it turned off on 15th of October.

6 COMMISSIONER GAW: Okay. Now, when you say your
7 bill, is that a combination bill of water and sewer?

8 MR. ARMFIELD: I get billed for -- for -- I
9 think there are 16 meters on my bill.

10 COMMISSIONER GAW: Okay. But it's water and
11 sewer both?

12 MR. ARMFIELD: Right.

13 COMMISSIONER GAW: Yes.

14 Okay. Thank you very much, sir.

15 JUDGE STEARLEY: Commissioner Clayton?

16 COMMISSIONER CLAYTON: Thank you.

17 COMMISSIONER CLAYTON: Good evening, Mr.
18 Armfield. Thank you for coming tonight.

19 I just had a couple of questions. Most of
20 my questions were asked by Commissioner Gaw.

21 You mentioned that there was a storm that
22 came through the area? Did I hear that correctly?

23 MR. ARMFIELD: March 13th. Yes, sir.

24 COMMISSIONER CLAYTON: March 13th. And was it a
25 particularly bad storm?

1 MR. ARMFIELD: A big hail storm.

2 COMMISSIONER CLAYTON: A big hail storm?

3 MR. ARMFIELD: And we got a half-million dollars
4 worth of damage to our association.

5 COMMISSIONER CLAYTON: Was there wind damage as
6 well? Or was it just hail?

7 MR. ARMFIELD: Hail and wind.

8 COMMISSIONER CLAYTON: Hail and wind? Did you
9 all lose power down there?

10 MR. ARMFIELD: For about four and-a-half hours.

11 COMMISSIONER CLAYTON: Four and-a-half hours?
12 You didn't lose it for four or five days, or anything
13 like that?

14 MR. ARMFIELD: No, sir. No, sir.

15 COMMISSIONER CLAYTON: Good. I'm glad to hear
16 that. Thank you.

17 JUDGE STEARLEY: Commissioner Appling?

18 COMMISSIONER APPLING: Judge, I have no
19 questions. Thank you very much for coming in tonight,
20 sir. You were very helpful in your testimony. Thank
21 you.

22 JUDGE STEARLEY: Any questions from the
23 attorneys?

24 MS. BAKER: I have one.

25 You mentioned that there were three water

1 leaks. Are there other -- are there still currently
2 three water leaks?

3 MR. ARMFIELD: One -- one is major.

4 MS. BAKER: One is major?

5 MR. ARMFIELD: Major. One you can watch rolling
6 down the hill. The other two come and go and I'm not
7 sure what's causing those.

8 I had an owner point it out to me that it
9 was coming down the -- and you could see the evidence
10 down below the trail to the boat dock. But there was a
11 huge amount of water coming down there. And it had been
12 dry enough that it wouldn't have been a wet
13 weather spring.

14 MS. BAKER: So there is one that's been --

15 MR. ARMFIELD: And all at once it's dried up
16 now. So I don't know why that's -- I don't know what
17 that is. That's a good question. I haven't figured
18 that one out yet.

19 MS. BAKER: And so two of those are --

20 MR. ARMFIELD: The other one is -- the other
21 one -- no. I understand the other leak that was up on
22 top of the hill may have been fixed. I'm not sure
23 whether that's been done or not.

24 But it's been running -- that particular
25 leak run all summer long. And I had to make a complaint

1 again with on that one because it was growing moss
2 across our road and creating a slick -- a slick spot.

3 MS. BAKER: And so you -- you called the
4 company?

5 MR. ARMFIELD: My contact with the company is
6 Stan.

7 MS. BAKER: Is Stan?

8 MR. ARMFIELD: And he's leaving the first of the
9 year I think. So I don't know who it would be then.

10 MS. BAKER: Did Stan come and look at either --
11 either --

12 MR. ARMFIELD: Stan is -- Stan is on property at
13 least once a day four days a week.

14 MS. BAKER: They have been seen but not worked
15 on?

16 MR. ARMFIELD: I don't know. You'll have to ask
17 him whether they were worked on or not.

18 MS. BAKER: Okay. I have no other questions.
19 Thank you from coming.

20 JUDGE STEARLEY: All right.

21 Mr. Armfield, with these water leaks, are
22 the company adjusting bills for this water leak or is --
23 is your association in any way --

24 MR. ARMFIELD: I don't -- I don't know. All I
25 know is that in regards to -- that the water is leaking.

1 My biggest concern is the one that's going on Corps
2 property.

3 The US Corps of Engineers are not very
4 friendly when they see water leaks, especially when they
5 think it might be septic. So I'm just kind of holding
6 my breath hoping they leave me alone.

7 JUDGE STEARLEY: All right.

8 MR. ARMFIELD: So -- that's the one I want to
9 address more than anything. And again -- you know -- if
10 you are going to ask for this kind of an increase -- you
11 know -- let's take care of business at home before you
12 start asking for something that you can't get or at
13 least fix.

14 JUDGE STEARLEY: All right. And you have
15 mentioned Stan a number of times as the company
16 representative.

17 Do you know Stan's -- do you know Stan's
18 last name?

19 MR. ARMFIELD: I think it's Gilam -- Gillam --
20 Gilliam. Don't ask me how to spell it.

21 JUDGE STEARLEY: And -- and you were starting to
22 say he's --

23 MR. ARMFIELD: Stan's services are no longer
24 going to be with Algonquin after the 31st of December.

25 JUDGE STEARLEY: All right. Any follow-up

1 questions from the Commissioners? Anything from the
2 attorneys?

3 All right. Well, thank you, Mr. Armfield,
4 for your testimony. You may be excused.

5 Are there any other members of the audience
6 who wish to give any testimony tonight?

7 MR. NICKLE: There are none that are indicated
8 that desire to do so.

9 JUDGE STEARLEY: All right. Do we have any
10 closing remarks from the Commissioners?

11 COMMISSIONER GAW: Just to thank everybody for
12 coming and we appreciate your -- your input. And
13 everyone be safe going home and I hope you have a
14 wonderful Holiday.

15 Thanks.

16 JUDGE STEARLEY: Mr. Clayton? Mr. Appling?

17 Okay. All right then. We will bring this
18 local public hearing in case number WR-2006-0425 to a
19 close and we are adjourned.

20 Thank you all very much.

21 (WHEREIN, the hearing concluded at 6:54 p.m.)

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EXHIBITS

(None)