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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
TRANSCRIPT OF PROCEEDINGS
Local Public Hearing
December 14, 2011
Branson, Missouri
Volume 6

In the Matter of)
Missouri-American Water)
Company's Request For Authority) File No.
To Implement A General Rate) WR-2011-0337,
Increase For Water And Sewer) et al.
Service Provided in Missouri)
Service Areas)

HAROLD STEARLEY, Presiding,
SENIOR REGULATORY LAW JUDGE
JEFF DAVIS,
COMMISSIONER.

(Starting time of the hearing: 12:41 p.m.)

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A P P E A R A N C E S

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1 A P P E A R A N C E S

2 (Continued)

3

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

3
4 (Proceedings began at
5 12:41 p.m. on
6 Wednesday, December 14,
7 2011, with appearances
8 as noted.)

9 JUDGE STEARLEY: All right. We're going
10 to go on the record here. Okay. Very well. Good
11 afternoon. Today is Wednesday, December 14th,
12 2011.

13 The commission has set this time for a
14 public hearing in File Number WR-2011-0337, which
15 is captioned as In the Matter of Missouri-American
16 Water Company's Request For Authority to Implement
17 a General Rate Increase For Water and Sewer
18 Service Provided in Missouri Service Areas.

19 My name is Harold Stearley. I'm the
20 regulatory law judge presiding over today's
21 hearing. With me today is Commissioner Davis.

22 And we'll begin. Commissioner Davis,
23 would you like to make an opening statement?

24 COMMISSIONER DAVIS: Good afternoon. My
25 name is Commissioner Jeff Davis. I am one of the

1 five public service commissioners who are charged
2 with deciding whether or not that the rates
3 proposed by Missouri-American Water are just and
4 reasonable.

5 That comes to us and then if we decide
6 that those rates are not just and reasonable, then
7 we give the company direction as to what rates
8 they can file that would be just and reasonable.

9 Just a few preliminary matters. You
10 know, it's -- you know, we are charged with
11 deciding this case and all of our cases based on
12 the evidence, based on the facts that are in front
13 of us, as well as the law.

14 So if it appears at times that we are
15 not sympathetic, it's because we are constrained
16 by -- I mean we do have to follow the law and do,
17 you know, what the law commands, and that is to
18 set just and reasonable rates.

19 So -- and I just want to make -- I know
20 this is a deeply emotional issue for some of you.
21 I've been to some hearings down here before with
22 Aqua America as well as Missouri-American Water.

23 So you know, I understand that. I
24 understand that in some cases, there have been
25 problems with some of these systems for years.

1 And so, you know, I do have some basic
2 understanding although I might not be intimately
3 familiar with the conditions of each individual
4 system that is out there because I think we have
5 at least seven, if not eight, systems represented
6 here today.

7 So I do look forward to your testimony.
8 I may ask you some background questions if there's
9 something that you say that, you know, I think
10 needs further explanation.

11 But I appreciate you coming out here
12 today. I look forward to hearing your testimony.

13 You know, if I can answer a question, I
14 will. Unfortunately, I cannot answer substantive
15 questions about the case.

16 The only thing I can -- if it's a
17 procedural question, if it's a basic question, and
18 I look over at the judge and he says I can answer
19 it, then I can probably answer it.

20 So I'm not trying to be coy. But you
21 know, just have to let you know those little
22 things up front. Thank you.

23 JUDGE STEARLEY: All right. We will
24 take entry of appearance from counsel, beginning
25 with Missouri-American.

1 MR. REICHART: Thank you, Judge.

2 Appearing on behalf of Missouri-American Water
3 Company, John J. Reichart.

4 My address is 727 Craig Road, St. Louis,
5 Missouri, 63304.

6 JUDGE STEARLEY: Thank you, Mr.
7 Reichart. For the Office of the Public Counsel?

8 MS. BAKER: Thank you. Christina Baker,
9 PO Box 2230, Jefferson City, Missouri, 65102,
10 appearing on behalf of the Office of the Public
11 Counsel and the customers.

12 JUDGE STEARLEY: Thank you, Ms. Baker.
13 And for the staff of the Missouri Public Service
14 Commission?

15 MS. LEWIS: Thank you. Rachel Lewis on
16 behalf of the Staff of the Missouri Public Service
17 Commission, Post Office Box 360, Jefferson City,
18 Missouri, 65102.

19 JUDGE STEARLEY: Thank you, Ms. Lewis.
20 What we are going to do is I'm going to call the
21 names on our sign-up sheet.

22 I would ask that you come down to the
23 podium. I will swear you in. I will ask that you
24 state and spell your name so our court reporter
25 can get it entered into the record appropriately.

1 And then you may give your statements
2 and offer your comments for the commission.

3 So beginning with Donald Johnston.

4 (Mr. Johnston is not
5 present.)

6 JUDGE STEARLEY: I don't know if
7 Mr. Johnston is still here. He had told me out in
8 the hall he had a tight schedule today, so it
9 appears he may have already left.

10 So William Hunt?

11 (Mr. Hunt approaches
12 the podium.)

13 JUDGE STEARLEY: And Mr. Hunt, if you'll
14 begin by stating and spelling your name.

15 MR. HUNT: My name is William A. Hunt,
16 spelled H-U-N-T.

17 JUDGE STEARLEY: All right. If you
18 would raise your right hand, please.

19 (Mr. Hunt was placed
20 under oath by Judge
21 Stearley.)

22 JUDGE STEARLEY: Thank you. And you may
23 proceed.

24 * * * * *

25 ///

1 WILLIAM HUNT,
2 of lawful age, having been called to the podium
3 and being first duly sworn, testified as follows:

4 MR. HUNT: My comments today will be
5 based on the available information I had prior to
6 arriving this morning, which is the current rate
7 card for Stonebridge Village for water and sewer
8 and this notice of requested rate change from the
9 Public Service Commission.

10 In order to provide some continuity
11 between their documents and my comments, I have
12 calculated based on the typical water user of 3500
13 gallons.

14 Based on that, I can tell you
15 specifically that the rate increase, which is in
16 here is stated at water bill increase would be
17 \$16.26 a month added to \$18.52 cents -- percent in
18 increase at that level of 3500 gallons of 87.8
19 percent. Close enough?

20 AUDIENCE MEMBER: Yep.

21 MR. HUNT: Seems a little high to me.
22 The wastewater facility, when you take that
23 information, 3500 gallons, it's an increase of
24 72.3 percent.

25 I have all these numbers available. I'm

1 willing to go over them. It's some pretty simple
2 mathematics.

3 I would point out for those who are not
4 aware of this that when it comes to wastewater,
5 that American Waterworks does not operate a
6 treatment facility for Stonebridge Village.

7 All the wastewater in our homes goes
8 directly to the City of Branson. Directly to the
9 City of Branson.

10 So if we had a resident in Branson for
11 3500 gallons, it would be less than \$5. \$4.83.
12 Branson charges a premium for the Stonebridge
13 water provider to move that water to Branson.

14 So 3500 gallons from Stonebridge Village
15 would cost \$12.08. The proposed wastewater charge
16 is \$59.80, which is just about exactly five times
17 what Missouri-American Waterworks is going to give
18 Branson.

19 In other words, it's costing them \$12 to
20 move our wastewater, 3500 gallons of it, to the
21 City of Branson for treatment, and they're going
22 to charge the homeowner \$60. 59.80 to be exact.

23 I think these increases of 70, 80
24 percent are unjustified. I look to the Public
25 Service Commission to protect us.

1 We are a captive audience. We have no
2 other choice for our water. And we're dealing
3 with American Waterworks, which is a multibillion
4 dollar corporation headquartered in New Jersey.

5 Their stock has gone up 25 percent this
6 year in a year where most investments haven't.
7 They're paying their shareholders a 3 percent
8 dividend.

9 And I don't feel like we ought to pay 70
10 to 80 percent more so that they can continue that
11 dividend for their shareholders.

12 And the only thing that can help us is
13 the Public Service Commission. We have no place
14 else to go for water. Thank you.

15 JUDGE STEARLEY: All right. Mr. Hunt,
16 if you would remain at the podium for just a
17 moment.

18 MR. HUNT: Sure.

19 JUDGE STEARLEY: Are there any questions
20 from counsel for this witness?

21 MR. REICHART: No questions, Your Honor.

22 JUDGE STEARLEY: Questions from
23 Commissioner Davis?

24 COMMISSIONER DAVIS: Okay. So you are a
25 customer of Roark, is that correct?

1 MR. HUNT: That is correct. I'm a
2 homeowner in Stonebridge Village and have been
3 since 2004.

4 COMMISSIONER DAVIS: Okay. Now do you
5 know if you're a schedule A or schedule B customer
6 or --

7 MR. HUNT: Yes. I'm in schedule A.
8 Those are the people in the primary Stonebridge
9 Village development.

10 Schedule B is for those who are in what
11 we call Forest Lake area.

12 COMMISSIONER DAVIS: Okay. Okay. And
13 are you water only or are you water -- you're
14 water and wastewater, correct?

15 MR. HUNT: Correct. Water and
16 wastewater.

17 COMMISSIONER DAVIS: And so you're
18 saying that Roark was basically paying \$12 per
19 customer per month to Branson to take the water
20 and --

21 MR. HUNT: No, that is not correct.
22 What I'm saying is that Branson charged Roark
23 Water & Sewer Company --

24 COMMISSIONER DAVIS: Mm-hmm.

25 MR. HUNT: -- \$12.08 for 3500 gallons of

1 water.

2 COMMISSIONER DAVIS: Okay.

3 MR. HUNT: Roark Water & Sewer charged
4 the homeowner \$34.69, approximately three times --

5 COMMISSIONER DAVIS: Mm-hmm.

6 MR. HUNT: -- what they were charged by
7 Branson.

8 With the proposed rate increase sent by
9 the Public Service Commission, that charge would
10 then be \$59.80, kind of rounded off to 60 bucks,
11 divide by 12 dollars.

12 That's five times what they're being
13 charged for the -- there's not much environmental
14 concern when you just watch the water run on
15 downhill to the City of Branson.

16 COMMISSIONER DAVIS: And do you know
17 what time period was this -- was the \$12.08 for
18 the payments from?

19 MR. HUNT: The \$12.08 is information
20 that is over in that folder. I got that from the
21 gentleman in the City of Branson --

22 COMMISSIONER DAVIS: Okay.

23 MR. HUNT: -- who informed me that
24 Branson residents pay \$1.38 for a thousand gallons
25 of wastewater.

1 COMMISSIONER DAVIS: Mm-hmm.

2 MR. HUNT: And that the rate for
3 Stonebridge, that they negotiated --

4 COMMISSIONER DAVIS: Right.

5 MR. HUNT: -- was something like two and
6 a half times that, whatever it works out to. It
7 was \$3.45.

8 COMMISSIONER DAVIS: Right. Okay. And
9 so -- and do you know, was it -- he just said that
10 was the rate; you don't know if there was any -- I
11 mean is that for all perpetuity or for just -- for
12 a year or two years or --

13 MR. HUNT: I have no indication as to
14 how long that contract --

15 COMMISSIONER DAVIS: Okay.

16 MR. HUNT: -- exists.

17 COMMISSIONER DAVIS: Okay.

18 MR. HUNT: That was done several years
19 ago when they closed the treatment facility.

20 COMMISSIONER DAVIS: Okay.

21 MR. HUNT: It's a little -- you know,
22 they don't have to do anything except watch the
23 water run downhill.

24 COMMISSIONER DAVIS: All right. Any --
25 anything else, Mr. Hunt?

1 MR. HUNT: No. I just think that the
2 public service commission's job, in my estimation,
3 is to protect us from a multibillion dollar
4 for-profit organization who has a whole staff of
5 attorneys and accountants.

6 There's not much we can do except pay
7 the water bill. You know, we look to the
8 commission to keep that fair and honest.

9 COMMISSIONER DAVIS: All right. Thank
10 you, sir.

11 MR. HUNT: You bet.

12 JUDGE STEARLEY: Thank you, Mr. Hunt.

13 (Mr. Hunt is excused.)

14 JUDGE STEARLEY: Our next witness is
15 DeLane Dunn.

16 * * * * *

17 DELANE DUNN,
18 of lawful age, having been called to the podium,
19 testified as follows:

20 MR. DUNN: I have no comments other than
21 just wanting to go on the record as saying that
22 like a lot of other people, we are opposed to an
23 increase. So I don't think there's anything to be
24 sworn.

25 JUDGE STEARLEY: All right. Well, thank

1 you, Mr. Dunn. Ron Douglas?

2 * * * * *

3 RON DOUGLAS,

4 of lawful age, having been called to the podium,
5 testified as follows:

6 MR. DOUGLAS: I also want to go on the
7 record that I'm against any rate increase and the
8 guy has pretty much said what I had to say.

9 JUDGE STEARLEY: All right. Thank you,
10 Mr. Douglas.

11 Duane Roesch? And I hope I'm
12 pronouncing that correctly.

13 (Mr. Roesch is not
14 present.)

15 JUDGE STEARLEY: All right. Okay.
16 Loren Lund?

17 (Mr. Lund approaches
18 the podium.)

19 JUDGE STEARLEY: All right, sir. And if
20 you would also begin by stating and spelling your
21 name for the record.

22 MR. LUND: My name is Loren Lund,
23 L-U-N-D.

24 JUDGE STEARLEY: All right. If you
25 would raise your right hand.

1 (Mr. Lund was placed
2 under oath by Judge
3 Stearley.)

4 JUDGE STEARLEY: Thank you. You may
5 proceed.

6 * * * * *

7 LOREN LUND,
8 of lawful age, having been called to the podium
9 and being first duly sworn, testified as follows:

10 MR. LUND: I basically prepared a letter
11 to the commission for my response, and I would
12 just like to read that at this time.

13 JUDGE STEARLEY: That's fine. Go right
14 ahead.

15 MR. LUND: I don't know who prepared the
16 mailing we received, but in my opinion the mailing
17 received is a wonderful example of bureaucratic
18 misinformation designed to confuse its readers to
19 a point that they just accept it.

20 First of all, we are charged in
21 increments of 1,000 gallons so why would the
22 preparer use 3500 gallons? We don't know if the
23 increase is based on 3,000 gallons or 4,000
24 gallons.

25 Both water and sewer are made up of two

1 charges, a minimum or base charge, which in our
2 case includes 2,000 gallons per month and a rate
3 per 1,000 gallons above that base.

4 Give us the real numbers. We can do the
5 math and see how the increase affects each of us.
6 They don't average our bills so why are they
7 trying to hide the reality of what the increase
8 actually is?

9 They just need to give us two numbers,
10 the rate per thousand gallons and the base rate
11 and what that includes.

12 Secondly, this is -- and this is really
13 bad, they use the wrong formula to tell us what
14 the proposed increased percentage will be. They
15 took the increase and divided it into the proposed
16 rate.

17 The increase percentage is the increase
18 divided into the existing rate. If you have a
19 charge of \$100 and increase it by \$100 to \$200,
20 the increase is 100 percent. It's not 50 percent,
21 as the letter would indicate.

22 I took the proposed dollar increases and
23 calculated them against our current rates,
24 including my winter rate of 2,000 gallons per
25 month, and came up with an increased percentage

1 ranging from 119 percent at 2,000 gallons a month
2 to 81 percent at 4,000 gallons a month.

3 Why does the mailing say the increase is
4 about 47 percent? If this mailing was prepared by
5 the Missouri Public Service Commission, someone
6 should lose their job.

7 If the mailing was prepared by
8 Missouri-American Water Company, their proposal
9 should be denied in total for the deceitful
10 information provided to its customers.

11 It is our understanding that MAWC's
12 acquisition of this business was at a significant
13 loss to Roark Water & Sewer. So their recovery of
14 investment is already at an accelerated rate from
15 that of the seller.

16 We were expecting a reduction in our
17 rates to be more competitive with Branson and
18 Branson West.

19 If MAWC needed to increase their revenue
20 by \$43 million, why would the Missouri Public
21 Service Commission allow them to buy additional
22 businesses to turn around and gouge the new
23 customers with an immediate increase of 90
24 percent?

25 The level of this proposed increase is

1 inconceivable to those of us on fixed incomes.

2 That's all I've got. And I do have a
3 spreadsheet with those -- with the rates on it
4 that I will be sending with my comment card back
5 to the commission so that they can see my
6 calculations as well as theirs.

7 JUDGE STEARLEY: All right. Do you have
8 a copy of that with you today, Mr. Hunt?

9 MR. LUND: Yes, I have four of them.

10 JUDGE STEARLEY: Okay. If you'd like,
11 we can add that as an exhibit and enter it into
12 this record as well.

13 MR. LUND: Okay.

14 JUDGE STEARLEY: We can mark that as
15 Exhibit 1. And I'm assuming counsel has no
16 objections to the admission of Exhibit 1?

17 MS. BAKER: No.

18 JUDGE STEARLEY: Okay.

19 MR. REICHART: No.

20 JUDGE STEARLEY: If you would give that
21 to our court reporter, please.

22 THE REPORTER: Thank you.

23 (Exhibit 1, Letter From

24 Loren Lund to Missouri

25 Public Service

1 Commission and Attached
2 Spreadsheet, was marked
3 for identification by
4 the court reporter.)

5 JUDGE STEARLEY: Any questions from
6 counsel for this witness?

7 Seeing none, Commissioner Davis?

8 COMMISSIONER DAVIS: Judge, I don't
9 think I have a question for the witness, but I
10 have a question for you.

11 And that would be, would it be possible
12 to issue an order directing filing to direct the
13 staff to file a written response to this
14 gentleman's letter, to put it in the record, and
15 to copy this gentleman on the response as well?

16 JUDGE STEARLEY: Consider it done.
17 Ms. Lewis?

18 MS. LEWIS: Yes, sir.

19 JUDGE STEARLEY: You've got the
20 direction.

21 MS. LEWIS: Thank you.

22 JUDGE STEARLEY: Let's have that due ten
23 days from today.

24 MS. LEWIS: Okay. Can I meet with you
25 and get your address?

1 MR. LUND: (Mr. Lund nods.)

2 MS. LEWIS: Is it on the letter?

3 MR. LUND: There you go.

4 MS. LEWIS: And just to be clear, what
5 did you put as Exhibit 1? Just your spreadsheet?

6 MR. LUND: I gave you both.

7 MS. LEWIS: Okay. So the exhibit is the
8 letter and the spreadsheet, just so the record is
9 clear.

10 JUDGE STEARLEY: Okay. So the record is
11 clear, Exhibit 1 is the letter and spreadsheet.
12 And since we don't have any other questions,
13 Mr. Lund, thank you for your testimony.

14 MR. LUND: Yes, sir.

15 (Mr. Lund is excused.)

16 JUDGE STEARLEY: Herbert Sisco is our
17 next one on the list.

18 (Mr. Sisco approaches
19 the podium.)

20 JUDGE STEARLEY: And Mr. Sisco, if you
21 could just begin by stating and spelling your
22 name.

23 MR. SISCO: Okay. My name is Herbert,
24 H-E-R-B-E-R-T, last name Sisco, S-I-S-C-O.

25 JUDGE STEARLEY: If you would raise your

1 right hand, please.

2 (Mr. Sisco was placed
3 under oath by Judge
4 Stearley.)

5 JUDGE STEARLEY: You may proceed.

6 * * * * *

7 HERBERT SISCO,

8 of lawful age, having been called to the podium
9 and being first duly sworn, testified as follows:

10 MR. SISCO: Yes. I have a statement to
11 read, if the court will permit.

12 JUDGE STEARLEY: By all means.

13 MR. SISCO: My name is Herbert Sisco. I
14 live at 214 Groton Street, Hollister, Missouri.
15 This street is located in the area called
16 Riverside Estates in Taney County. I have lived
17 here at this residence since November 1987.

18 The original developer, a Mr. Cantwell,
19 laid all the water lines that are now in existence
20 as well as the drilling on the well that now
21 supplies us with water.

22 None of the succeeding companies that
23 have owned the water rights for Riverside Estates
24 have had to be out any new expenses for the above.

25 All new residential owners had to pay

1 for the construction costs from the water lines to
2 their house.

3 Since I moved here, there have been 60
4 new homes built on three streets to the north of
5 me and to the south and along Acacia Club Road.

6 There have been several new houses built
7 beyond this area on and off of Acacia Club Road
8 that is now in the water district now supplied by
9 the Missouri-American Water Company.

10 Therefore, it would be safe to say that
11 approximately 100 new houses have been built since
12 I moved here.

13 So the companies that have succeeded
14 Mr. Cantwell have had a tremendous increase in
15 income with no new construction cost.

16 They have milked the residents of
17 Riverside Estates by increasing our rates without
18 justification, using our money to further their
19 investments in any other areas that may not be as
20 profitable.

21 Now you are faced with a decision that
22 will place the residents of Riverside Estates into
23 a situation in which we will not benefit.

24 By merging us into a statewide fee
25 situation, you are limiting our negotiating power,

1 which has not been much despite all of our
2 petitions that we have sent to the commission to
3 that of none effect.

4 This so-called reduction in statewide
5 rate is a farce. Once we are in this
6 conglomerate, the rates will go up to pay for
7 their investments that are losing money or for
8 existing and future loans that they cannot meet.

9 I appeal to you, the commissioners, to
10 stand up for the commission -- for the consumer.

11 One additional note. Come by my house
12 at any time and look at the deposits of sand that
13 are deposited in our water tank in the bathroom.

14 We have to use a water filter for all of
15 our drinking and cooking use. Our complaints have
16 fell on deaf ears.

17 Thank you very much.

18 JUDGE STEARLEY: All right. Mr. Sisco,
19 had if you would please remain at the podium for
20 just a moment.

21 MR. SISCO: Thank you.

22 JUDGE STEARLEY: Counsel, do you have
23 any questions for this witness?

24 MS. LEWIS: I have a clarifying
25 question. You indicated that there were sand

1 deposits in your water. When did you -- how long
2 have you noticed that?

3 MR. SISCO: 24 years.

4 MS. LEWIS: 24 years. And have you ever
5 contacted the company about that?

6 MR. SISCO: Yes. We've not contacted
7 the American Water Company yet. We've done this
8 off and on and no results, so I guess we just gave
9 up.

10 MS. LEWIS: Okay.

11 JUDGE STEARLEY: All right.

12 Commissioner Davis, any questions?

13 COMMISSIONER DAVIS: No, sir, I don't
14 think so. But thank you for your testimony and I
15 think staff is going to look into your -- into
16 your sand deposit issue.

17 MR. SISCO: Thank you very much.

18 JUDGE STEARLEY: Thank you, Mr. Sisco.

19 (Mr. Sisco is excused.)

20 JUDGE STEARLEY: Bill Hasler?

21 (Mr. Hasler approaches

22 the podium.)

23 JUDGE STEARLEY: And Mr. Hasler, if you
24 would please state and spell your name.

25 MR. HASLER: Bill Hasler, H-A-S-L-E-R.

1 JUDGE STEARLEY: If you could raise your
2 right hand.

3 (Mr. Hasler was placed
4 under oath by Judge
5 Stearley.)

6 JUDGE STEARLEY: Thank you. And you may
7 proceed.

8 * * * * *

9 BILL HASLER,
10 of lawful age, having been called to the podium
11 and being first duly sworn, testified as follows:

12 MR. HASLER: I'm the general manager of
13 Stonebridge Village. We're fairly well
14 represented today, but we do have 250
15 homeowners -- homeowners, that's not -- that
16 doesn't include water and sewer customers.

17 Those are simply homeowners. Not condo
18 owners, not lodge owners, not lot owners. Just
19 people that own homes there.

20 You've heard from some of them today,
21 but again, we have 250. And the representation we
22 have here is, in my estimation, may be 30 to 40
23 owners that are here, whole owners.

24 I got a lot of phone calls after the
25 comment card went out. We get -- we get a lot of

1 the response. Should -- whether it should have
2 been guided toward the commission or OPC, we get
3 the calls.

4 And they're consistent with the usage
5 problems that we've -- that we heard from today.
6 A high amount of usage and their bills, as you've
7 heard from the owners here today, will not go up
8 the percentages that were thought, but are going
9 to double or close to double.

10 And I just want the commission to be
11 aware that that's not a -- you know, that you're
12 not looking at an area where there might be a
13 leak. This is all through the village. The 2800
14 acres.

15 And it's not specific. These people
16 that are talking about 24 thousand usage, they're
17 not all on one block. They're spread out all over
18 the place.

19 And you know, a lot of the -- the calls
20 that I got, I tried to get everybody to at least
21 send in a comment card or come here today. Some
22 felt like it wouldn't do much good to come today.

23 You know, many people know that there's
24 a -- that there's another meeting in Jeff City at
25 5:30 today. Didn't know if the same people

1 needed to get out of here and get to there or
2 whatever.

3 So they're putting their faith in me,
4 and I just need to reiterate what the property
5 owners are saying here, and you can take that
6 times -- this group here times five. And that's
7 our -- that's what we're dealing with in
8 Stonebridge.

9 The billing has been a mess. I think
10 we've discussed that pretty well here today, but
11 it's been a mess on the corporate side as well.

12 We've -- we don't get standard answers
13 from Missouri-American. We don't necessarily talk
14 to the same people twice. We've been put in touch
15 with Matt recently, and that's somebody consistent
16 we can go to.

17 But I've repeatedly asked about the
18 grinder pumps. And until I got the response from
19 Denny today, that's the first definitive answer
20 I've received on grinder pumps.

21 You know, we had zero usage. We called
22 to discuss the zero usage and were told at that
23 time that, you know, there was an error in the
24 communication between Roark and Missouri-American.

25 And we asked at that time if it was

1 going to be made up on the next bill and were told
2 no, that it wasn't going to be the policy to make
3 up for that error.

4 But from what I understood today, maybe
5 it was. And that's consistent with the
6 communication we have on the corporate side
7 through the offices.

8 You know, I sent a letter to Rachel when
9 we learned of the acquisition. And you know, at
10 that time we were concerned that, you know, this
11 group was purchasing for a reason and that was to
12 make money. And since they're our only option,
13 that the rates were going to increase.

14 And I don't have a copy of that letter,
15 but the response -- what I took from the response,
16 it may not have been the response, but what I
17 took from it was, "Well, Roark was a monopoly
18 too."

19 So I'm just here for the property owners
20 that couldn't make it here, just asking for the
21 Public Service Commission to protect Stonebridge
22 Village.

23 JUDGE STEARLEY: All right. Thank you,
24 Mr. Hasler. Are there any questions from counsel
25 for this witness?

1 MS. LEWIS: I would just like to clarify
2 and inform Mr. Hasler that the meeting today isn't
3 in Jefferson City. It will be in Joplin,
4 Missouri.

5 MR. HASLER: Okay. Joplin. Yeah, I'm
6 sorry.

7 MS. LEWIS: Just so everybody is clear.

8 JUDGE STEARLEY: All right. Very well.
9 Commissioner Davis, any questions for this
10 witness?

11 COMMISSIONER DAVIS: Well, I just want
12 to clarify for people that if you come to this
13 hearing, you don't have to go to Joplin or
14 anywhere else.

15 That you know, we have a court reporter
16 here. We're putting it in the record. You only
17 have to put it in the record once.

18 But sir, thank you for coming and for
19 representing all of the homeowners that are in
20 your area. We appreciate that.

21 MR. HASLER: Yeah, I apologize. Maybe I
22 wasn't clear. I think that the thought was that
23 this hearing may be rushed through because the
24 people sitting on behalf of Missouri-American and
25 the Public Service Commission and OPC are going to

1 need to get out of here and go to the next hearing
2 that's out of town.

3 COMMISSIONER DAVIS: Oh, sorry. Well --

4 JUDGE STEARLEY: We're not in a hurry.
5 And we'll stay here as long as we need to as well,
6 so.

7 MR. HASLER: Okay.

8 JUDGE STEARLEY: Thank you for your
9 comments, Mr. Hasler.

10 MR. HASLER: Yes, sir.

11 (Mr. Hasler is
12 excused.)

13 JUDGE STEARLEY: Okay. Bill Westhoff?

14 (Mr. Westhoff is not
15 present.)

16 AUDIENCE MEMBER: He has left.

17 JUDGE STEARLEY: All right. Don Liles?
18 Okay.

19 (Mr. Liles is not
20 present.)

21 JUDGE STEARLEY: Okay. Al Alexander?

22 (Mr. Alexander is not
23 present.)

24 AUDIENCE MEMBER: He left.

25 JUDGE STEARLEY: Okay. Jerry Swinehart?

1 (Mr. Swinehart
2 approaches the podium.)

3 JUDGE STEARLEY: And sir, if you could
4 please begin by stating and spelling your name.

5 MR. SWINEHART: Jerry Swinehart,
6 S-W-I-N-E-H-A-R-T.

7 JUDGE STEARLEY: All right. And if you
8 would raise your right hand.

9 (Mr. Swinehart was
10 placed under oath by
11 Judge Stearley.)

12 JUDGE STEARLEY: Thank you. And you may
13 proceed.

14 * * * * *

15 JERRY SWINEHART,
16 of lawful age, having been called to the podium
17 and being first duly sworn, testified as follows:

18 MR. SWINEHART: I really don't have
19 testimony as much as I have comments. This has
20 been a very informative meeting for myself. I've
21 learned a lot.

22 I'm new to the area. We've just
23 recently purchased a home in Stonebridge. And
24 when you purchase something, besides the value of
25 the house, you look at the water rates, sewer

1 rates, and electrical rates.

2 And those rates were very favorable up
3 until possibly now where they want to, as Bill
4 Hunt pointed out, multiply those rates by five
5 times.

6 And now I'm finding out that my
7 protection is the Public Service Commission, which
8 I hope they do their due diligence. Because from
9 what I'm learning here, these rates increases just
10 are not justifiable, especially for the
11 Stonebridge area.

12 Even though I've lived here a short
13 time, I have 43 years in the background of water
14 and wastewater. And this is a very, very basic
15 system.

16 They just don't have any elaborate
17 infrastructure up there. We have wells. We have
18 water tanks. We have distribution lines.

19 And the gentleman earlier said that they
20 have a chlorine system with 150-pound cylinders.
21 That's very inexpensive.

22 He talks about a SCADA system. And
23 nowadays with the computer technology we have,
24 SCADA systems are like buying a PC.

25 You can go out and for \$400, you can buy

1 a PC, a wireless; you've got a SCADA system to
2 talk back and forth to your operators. So that
3 cost would be negligible.

4 I witness every day where White River
5 Electric goes to the top of the hill and checks
6 out well number 2 on a daily basis, which is
7 fantastic.

8 So they have a SCADA system plus they
9 have men going up and checking that system. There
10 is no -- there is no cost other than, from what
11 I'm gathering from this meeting, is just strictly
12 profit.

13 That's all it could be. They see a good
14 deal. They see a community that's well developed.
15 They purchase it, of which no one -- now I find
16 out no one has been told.

17 You couldn't even combat that purchase
18 or possibly even purchase it ourselves. It was
19 just bought right out from under the co-op.

20 So -- and I don't -- I have no idea how
21 much money they spent to purchase that system, but
22 I would -- you know, I just -- I have no idea.

23 So I just -- I just don't see from the
24 testimony here that these rates are even close to
25 being justifiable.

1 And White River, I enjoyed one bill from
2 White River. I received my electric, my water,
3 and my sewer.

4 And the very first thing out of my mouth
5 when I read that Missouri-American was buying, I
6 told my wife, I said, "Boy, our rate is going to
7 go up because they're going to have separate
8 administration cost over White River."

9 And now they're going to have to start
10 buying their power instead of getting it from one
11 utility. So that's really all I have to say.

12 JUDGE STEARLEY: All right. Any
13 question for this witness from counsel?

14 MS. LEWIS: No.

15 MS. BAKER: No.

16 JUDGE STEARLEY: Commissioner Davis?

17 COMMISSIONER DAVIS: And sir, let me --
18 just for the record, you had no idea that your
19 system was being acquired by Missouri-American
20 Water?

21 MR. SWINEHART: None whatsoever. Not
22 until I received that letter, after the fact.

23 COMMISSIONER DAVIS: Not until you
24 received a letter after the fact?

25 MR. SWINEHART: After the fact that they

1 were purchasing it, that it has already been
2 bought. I've only been here just a few months.

3 COMMISSIONER DAVIS: Okay. All right.
4 Thank you.

5 JUDGE STEARLEY: Thank you, sir. Deen
6 Merrell?

7 * * * * *

8 DEEN MERRELL,
9 of lawful age, having been called to the podium,
10 testified as follows:

11 MR. MERRELL: Your Honor, I will write a
12 letter as my -- so I will decline to testify right
13 now.

14 JUDGE STEARLEY: All right. Very good.
15 Staff, if you'd please make sure he has the -- and
16 public counsel, the contact information so that we
17 get that into the file.

18 MS. LEWIS: Your Honor, it should be on
19 the handouts that were provided. We'll make sure.

20 JUDGE STEARLEY: Okay. Very good. All
21 right. Jack Kine? Am I close with your name
22 there?

23 (Mr. King approaches
24 the podium.)

25 MR. KING: My name is -- excuse me. My

1 name is Jack King, K-I-N-G.

2 JUDGE STEARLEY: Ah. It doesn't look
3 like a G, but.

4 MR. KING: That's why I was laughing at
5 what you were saying.

6 JUDGE STEARLEY: Please raise your right
7 hand.

8 (Mr. King was placed
9 under oath by Judge
10 Stearley.)

11 JUDGE STEARLEY: Thank you. You may
12 proceed.

13 * * * * *

14 JACK KING,
15 of lawful age, having been called to the podium
16 and being first duly sworn, testified as follows:

17 MR. KING: I, like other people, have
18 several comments to make. One, I'm opposed to any
19 rate increase.

20 Two, I think that the new company had
21 very poor customer relations. I got -- I did get
22 a letter, but it was after this rate increase had
23 been filed.

24 It said, "Welcome to Missouri Water.
25 Rates will remain the same for a period of time."

1 I understand that they can be changed the day
2 after and apparently were changed the day before.

3 Then prior to the Missouri Water
4 Company, as was stated by the last feller, I can
5 pay a bill using the Internet, no charge.

6 Here comes Missouri Water and they say
7 use the Internet, but a service fee will apply. I
8 contacted them to find out that service fee is
9 \$1.80 per. So that means my water bill has
10 already gone up if I use the Internet.

11 All righty. During the prior discussion
12 they were talking about gallons usage. I went
13 back to my bills from January to the present.
14 During the wintertime, I usually use about 1,000
15 gallons per month, my wife and I.

16 I should say that we are permanent
17 residents of Stonebridge, have been since '06.
18 Now my bill goes up during the summertime because
19 we irrigate. That means no wastewater. So that
20 should be taken into an account, as I see it.

21 As a comment my builder paid a \$6,000
22 connection fee to the grinder in '06. That's all.

23 JUDGE STEARLEY: Mr. King, would you
24 explain this irrigation you do in the summer in a
25 little bit more detail for us?

1 MR. KING: All Stonebridge residents are
2 required to have irrigation as they build their
3 homes. So as summer comes, it gets hot. We
4 irrigate so we can keep our grass growing and
5 remain green.

6 So that's what I do. The water then, of
7 course, goes out on the lawn. Then as somebody
8 else said, it runs down the hill because
9 everything in Stonebridge is on the side of a
10 hill.

11 JUDGE STEARLEY: Okay. So that water,
12 you don't have any wastewater because of that?

13 MR. KING: It does not go to wastewater.
14 That thousand gallons, maybe 2,000 gallons, would
15 go to wastewater in a month.

16 JUDGE STEARLEY: Okay. All right. Any
17 questions from counsel?

18 MS. BAKER: No, thank you.

19 MS. LEWIS: No.

20 JUDGE STEARLEY: Commissioner Davis?

21 COMMISSIONER DAVIS: No, but thank you
22 for coming to testifying, sir.

23 (Mr. King is excused.)

24 JUDGE STEARLEY: All right. Marianne
25 Bunger?

1 (Ms. Bunger approaches
2 the podium.)

3 JUDGE STEARLEY: If you could please
4 state and spell your name.

5 MS. BUNGER: Marianne, M-A-R-I-A-N-N-E,
6 Bunger, B-U-N-G-E-R.

7 JUDGE STEARLEY: Okay. If you could
8 please raise your right hand.

9 (Ms. Bunger was placed
10 under oath by Judge
11 Stearley.)

12 JUDGE STEARLEY: Thank you. You may
13 please proceed.

14 * * * * *

15 MARIANNE BUNGER,
16 of lawful age, having been called to the podium
17 and being first duly sworn, testified as follows:

18 MS. BUNGER: Mine is probably more
19 comments than it is -- and it's more for my
20 94-year-old grandmother who does live in the
21 condos, which really hasn't been discussed here.

22 We have the Fairways at Stonebridge. My
23 grandmother is on a fixed income. Her income is
24 \$631. Her water bill last month was \$40.91.

25 If you take this increase and increase

1 her water bill as projected, I don't know where
2 she's going to come up with the money.

3 I just -- you know, we have to look at
4 the elderly in this community. I mean that's just
5 such a large increase, gentlemen. And I hope you
6 take the time to protect.

7 And if it takes two years, okay, she'll
8 be 96. Maybe she'll be dead by then. I don't
9 know. It won't be a problem for her.

10 My other concern is we have a lot of
11 snowbirds in the village. They're not there
12 January. They're not there February. They're not
13 there March. I am. I'm getting wastewater bills
14 because I actually am there.

15 There's got to be a better way to do
16 this. Somebody needs to figure out a better way
17 to make it fair for everybody.

18 And maybe that is to put a meter at the
19 irrigation. When we irrigate our yards, have that
20 metered separate than what the house is using.
21 There just has to be a better way.

22 And I did not know anything about White
23 River Electric transfer of property. White River
24 Electric is a co-op. We get paid dividends from
25 White River Electric because they are a co-op.

1 We should have been informed that we
2 were being sold to this profit-making company.
3 And if you put it in the newspaper, I am sorry. I
4 don't get the newspaper.

5 That's -- to me, there has to be -- you
6 guys have to make it where we all know about it.
7 You can't just go throw it in a newspaper. And
8 that's about all I have.

9 JUDGE STEARLEY: All right. Any
10 questions from counsel for this witness?

11 MS. LEWIS: No, thank you.

12 JUDGE STEARLEY: Commissioner Davis?

13 COMMISSIONER DAVIS: Okay. So let me
14 just make sure that I understand the irrigation
15 issue. And that is everyone is required to have
16 irrigation systems in their yard or is it --

17 MS. BUNGER: Can I refer that to Bill?
18 Bill is in charge of our POA.

19 COMMISSIONER DAVIS: Okay.

20 MS. BUNGER: He would be the one that
21 could say yes, for sure. I have an irrigation
22 system at my home.

23 COMMISSIONER DAVIS: Okay.

24 MS. BUNGER: Starting about April --

25 COMMISSIONER DAVIS: Mm-hmm.

1 MS. BUNGER: -- ending sometime in
2 October, my yard is watered on like six stations.

3 COMMISSIONER DAVIS: Mm-hmm.

4 MS. BUNGER: And it's watered for
5 however much time, and it's -- and I don't do it
6 myself. I have John Wiskerchen Company come in
7 and manage it.

8 COMMISSIONER DAVIS: Mm-hmm.

9 MS. BUNGER: So it's managed correctly.

10 COMMISSIONER DAVIS: Right.

11 MS. BUNGER: I -- yes, we have to water.

12 COMMISSIONER DAVIS: Okay. All right.
13 I'll tell you -- okay. Then I think what I'll do
14 then is we'll get through all the witnesses that
15 have signed up.

16 And then if he stays around, then we'll
17 call him back up to -- and I can ask him a few
18 more questions about the whole irrigation.

19 MS. BUNGER: As far as rules and regs of
20 POA, I do not know.

21 COMMISSIONER DAVIS: Okay.

22 MS. BUNGER: I just know as far as my
23 own personal. My grandmother has a condo in the
24 Fairways. That's whose checkbook I'm worried
25 about, the money and stuff.

1 I also own a home at 201 Silver Oak
2 Lane, which is a full-size home and not a condo.
3 My grandma's usage is about 1,000 gallons. My
4 average usage January, February, and March was
5 6,000 gallons.

6 There was three of us in the home. It
7 was my husband, who works 12 hours a day, myself
8 who I'm a homemaker, and we had a employee of
9 Stonebridge Village living with us at that time.
10 And he worked at the pro shop and he was never
11 home.

12 So 6,000 gallons was what my average
13 usage was for three people. Either my meter --
14 something is wrong with my meter or -- I don't
15 agree with your 3500. I think that's really low.

16 I can look at this sheet that was picked
17 up, and if you look at Riverside Estates, that
18 gentleman back there, their average usage is 5,000
19 gallons.

20 COMMISSIONER DAVIS: Mm-hmm.

21 MS. BUNGER: How can one community be
22 that much different? Just -- there's just a lot
23 of questions in my mind, and I don't know that
24 this is the forum to answer them in.

25 But you know, I just think 3500 gallons

1 is low.

2 COMMISSIONER DAVIS: We will -- we'll
3 take that into consideration, and we'll see if we
4 can't do a better job of looking at that and
5 looking at the consumption of some of these
6 individual systems down here.

7 MS. BUNGER: Okay.

8 COMMISSIONER DAVIS: So duly noted,
9 ma'am.

10 MS. BUNGER: Thank you.

11 COMMISSIONER DAVIS: Thank you.

12 JUDGE STEARLEY: And Ms. Bungler, before
13 you leave here today, we have people here from our
14 staff and the company has representatives.

15 So when we conclude the formal part of
16 this hearing, you're still welcome to stay and try
17 and get some more questions answered from them.

18 MS. BUNGER: Thank you, sir.

19 JUDGE STEARLEY: You're welcome. I do
20 not have anyone else who has signed the witness
21 list. Is there anyone else here, though, who
22 would like to give a statement?

23 (Mr. Stratton raises
24 his hand.)

25 JUDGE STEARLEY: Yes, sir. If you would

1 please come forward.

2 (Mr. Stratton
3 approaches the podium.)

4 JUDGE STEARLEY: If you would please
5 state and spell your name for the record.

6 MR. STRATTON: Gary with a G, Stratton,
7 S-T-R-A-T-T-O-N.

8 JUDGE STEARLEY: Okay. And if you would
9 raise your right hand, sir.

10 (Mr. Stratton was
11 placed under oath by
12 Judge Stearley.)

13 JUDGE STEARLEY: Thank you. Please
14 proceed.

15 * * * * *

16 GARY STRATTON,
17 of lawful age, having been called to the podium
18 and being first duly sworn, testified as follows:

19 MR. STRATTON: I'm a homeowner in
20 Stonebridge Village. I want to make some comments
21 about this usage issue. It's a big thing for us.

22 I'm a single person. I live alone. In
23 the wintertime my water usage is 2,000 to 3,000
24 gallons a month.

25 In the summertime when we're irrigating

1 yards, my usage will run 20 to 24 thousand gallons
2 a month with the irrigation.

3 And I've only lived there two summers,
4 and both of them have been hotter than average,
5 I've been told.

6 I don't doubt the average water usage
7 information that was given to us, but it's
8 probably accurate. But it's inadequate.

9 The commission needs to look at making
10 these folks present some tables that say, "If your
11 water usage is 2,000 gallons a month, this is what
12 the change is. If it's 5,000, it's this. If it's
13 10,000, it's that."

14 So that we can get a better idea on an
15 individual home basis what it's going to cost us.
16 I expect, like the other folks, that my water bill
17 is going to at least double.

18 I'm willing to pay for the water. I
19 don't want to have to pay sewage fees on that
20 water that's used for irrigation.

21 Where I used to live, sewage rates were
22 based on your water usage from November through
23 March. They average those, and that was the
24 sewage rate you paid for the year.

25 I would ask that the commission look at

1 something along those lines for places where we do
2 a lot of irrigation as a way to establish some
3 kind of a reasonable sewage fee so we're not
4 paying sewage fees on all the water that goes on
5 the yards.

6 I would like to comment on a service
7 issue I have with American Water. I have a
8 manhole immediately adjacent to my driveway. I
9 happen to live in an area where a lot of people
10 get lost and turn around in my driveway.

11 Some of them tend to drive over that
12 manhole. It's broken. It needs repair. In my
13 opinion it's a safety hazard.

14 I've called their 800 number, talked to
15 a person, expressed my concern. That day they had
16 somebody come out and look at it, a third-party.

17 Six weeks later I called back to find
18 out what the status is. And after -- I couldn't
19 really get any information except that it was on
20 the list to be fixed in some order of priority
21 that this person didn't know.

22 After a lengthy conversation, I
23 concluded that that person had checked the box on
24 his computer screen that says, "This particular
25 complaint has been put into the system."

1 I have not gotten any follow-up
2 information. I have given up on trying to call
3 them again.

4 If it's -- I plan to fix it myself this
5 summer because it's a safety problem. But as
6 mentioned earlier, dealing with these corporate
7 folks has been a challenge.

8 I got more useful information from the
9 gentleman that was here earlier from American
10 Water than I've got from trying to call their
11 corporate people.

12 Again, the billing issue, it's been a
13 total public relations fiasco for these folks.
14 And I -- my background, I understand software
15 glitches.

16 But there was nothing in plain English
17 on their bills that said, "We had a software
18 problem. You know, it's a mistake. We'll get it
19 corrected in the future."

20 You just wonder, "What in the heck is
21 going on with these folks?"

22 Also, as has already been mentioned, we
23 were a co-op. Members of a co-op should not have
24 the system sold out from under them without being
25 notified.

1 You know, it's a co-op. They know who
2 we are. They got our addresses. They have our
3 emails. We should have been contacted that this
4 was entering into discussions.

5 And as the lady just mentioned, notices
6 in the newspaper are no longer adequate. I
7 subscribe to no paper newspapers.

8 I read all of mine online, and a lot of
9 that does not have legal notices and that kind of
10 stuff.

11 But some other means of communicating to
12 the public besides paper newspapers has to be
13 looked at for the future.

14 Those are my comments. Thank you.

15 JUDGE STEARLEY: All right. Does
16 counsel have any questions for this witness?

17 MS. LEWIS: No, we don't.

18 MS. BAKER: No.

19 JUDGE STEARLEY: Okay. Commissioner
20 Davis?

21 COMMISSIONER DAVIS: Sir, I don't have
22 any questions for you, but I guess this will --
23 this will go to the judge and to the staff.

24 And that is one, can we get some
25 analysis on these Stonebridge irrigation customers

1 in light of what -- the issue that this gentleman
2 raised and I think what a couple of other people
3 have touched on.

4 In that if they are -- if what they are
5 saying is true and they are irrigating, then they
6 are -- you know, could be paying a
7 disproportionate sum.

8 So I guess I would like staff to go back
9 and evaluate this gentleman's argument as well as
10 to do some analysis on how many people actually
11 are having, you know, 20,000 -- 20,000 gallon a
12 month throughput in the summer to see if that
13 makes a difference in their -- in their rate
14 design recommendation.

15 Which, you know, goes back to this
16 gentleman's point about sewage rates being, you
17 know, set on usage from November through May.

18 And if it's not going through the sewage
19 system, then, you know, should they -- should they
20 actually be paying for it.

21 And then also I guess the last thing,
22 Judge, is if someone from staff could look at this
23 gentleman's manhole cover issue.

24 JUDGE STEARLEY: Yeah, I don't think
25 I'll have to direct staff in any way on that. Do

1 I, Mr. Bush?

2 MR. BUSH: Not at all.

3 JUDGE STEARLEY: With regard to an
4 analysis on the irrigation, how much time will
5 staff need to be able to take a look at that
6 issue?

7 MR. BUSH: Probably at least 36 days
8 because we're in the middle of testimony.

9 MS. LEWIS: If we can get it done
10 earlier, we'll file it earlier. But can we have
11 60 days on that?

12 JUDGE STEARLEY: All right. I'll put a
13 60 day due date on that.

14 COMMISSIONER DAVIS: So sir, does that
15 -- does that sound like we're looking into your
16 issues?

17 MR. STRATTON: Yes. I think all the
18 homeowners in Stonebridge would appreciate a look
19 at that.

20 COMMISSIONER DAVIS: All right. Thank
21 you.

22 (Mr. Stratton is
23 excused.)

24 JUDGE STEARLEY: All right. I thank you
25 for your testimony, sir.

1 All right. Is there anyone else who had
2 not signed up that wishes to testify?

3 And Mr. Hasler, I believe -- you can
4 come on up. I believe from just watching your
5 head nodding, although that doesn't get recorded
6 by our court reporter, you can clarify the
7 irrigation issue for us.

8 (Mr. Hasler approaches
9 the podium.)

10 MR. HASLER: All the homeowners that --
11 anybody that builds out there, they're required to
12 go by the rules and regulations of our
13 architectural control committee.

14 And they are required to have grass, a
15 certain percentage. Off the top of my head, I'm
16 not -- it's like 70 percent of their lawn needs to
17 be grass. And they need to keep it alive and
18 maintain it in a neat fashion.

19 So specific to having a sprinkler
20 system in place by the rules and regulations, I
21 mean that's generally done because they do have to
22 have a lawn, they got to keep it alive.

23 JUDGE STEARLEY: All right.
24 Commissioner Davis, did you have any other
25 questions?

1 COMMISSIONER DAVIS: Sir, does it
2 sound like if we're looking at the -- because
3 what I'm expecting from our staff is that they
4 go back and actually pull some -- pull some
5 actual, you know, customer billing information
6 for people that are irrigation customers in
7 Stonebridge.

8 And look at their actual usage and see
9 how this -- how you this rate design affects --
10 affects them with relation to their water and
11 sewer bills.

12 I mean does that -- does that sound
13 like we're getting to the heart of one of the
14 problems there?

15 MR. HASLER: One of the problems, yeah,
16 for sure. I mean especially if that's going to
17 impact a much lower rate.

18 COMMISSIONER DAVIS: Mm-hmm. Okay.
19 All right. So anything else that you wish to
20 add?

21 MR. HASLER: No. You know, one of the
22 board members did bring up to me the fact that
23 they called about the sewer rate and how it was --
24 how they came up with the sewer rate.

25 Called Missouri-American and got three

1 specifically different answers, one of which was,
2 "We don't do that. You know, take the readings
3 from December, January, February and apply that to
4 the year."

5 COMMISSIONER DAVIS: Right.

6 MR. HASLER: Just they wanted me to
7 mention that.

8 COMMISSIONER DAVIS: Well, I mean -- and
9 additionally that is not done. But because it's
10 been raised here today, I think staff will go back
11 and take a look at it.

12 Who knows what they're going to propose.
13 I don't have any control over what they do or they
14 don't support. So -- but you know, I've asked
15 them to take a look at it, and that's all I can do
16 at this point.

17 MR. HASLER: Will the commission need
18 the -- I guess help from the individual property
19 owners to show billing or will they get all that
20 information from Roark if you're going to go back
21 and look at usage on those?

22 COMMISSIONER DAVIS: Hopefully we'll be
23 able to get it from the company. But if not, then
24 they may have to -- I mean they may have to
25 contact individual rate payers.

1 But I'm not sure. I mean most people
2 don't save their water bills, so I'm just not
3 sure. But maybe people here -- maybe people here
4 do. Excuse me.

5 So we'll do the best we can. And you
6 know, I'm expecting that the records will be
7 available from the company, that they will have
8 the records of their predecessors, so.

9 MS. LEWIS: I think that's accurate, but
10 I will get your contact information so if we have
11 any questions, we can contact you.

12 MR. HASLER: Because those are -- that
13 will apply to us on the commercial side too, I
14 would think.

15 JUDGE STEARLEY: All right. Thank you,
16 Mr. Hasler.

17 Anybody else want to give a statement?

18 (Mr. Hasler approaches
19 the podium.)

20 JUDGE STEARLEY: Yes, sir. Mr. Lund,
21 correct?

22 MR. LUND: Correct.

23 JUDGE STEARLEY: Okay.

24 MR. LUND: I've heard several of our
25 residents talk about the irrigation in the

1 summertime, and I'm confused if they are
2 complaining about the water usage or if that's
3 being included in their sewer.

4 The way our bills have been calculated
5 in the past, our sewer -- our sewer charge for all
6 12 months is the same amount.

7 It's calculated at the end of a
8 three-months period in the wintertime to see what
9 our base water usage is, and that sewer rate
10 applied for the next 12 months.

11 So if there are some people that are
12 being charged excessive sewer in the summertime
13 because they're using more water, that would
14 definitely be a billing issue with either Missouri
15 Water or, in the past, Roark Treating.

16 If there's a -- if they're asking for a
17 rate differential because of the amount of water
18 they are using in the summertime, that's a whole
19 different problem.

20 But as I was listening to them talk, I
21 was very confused as to what their actual
22 complaint was, whether it was sewer or water.

23 The second thing I'd like to note,
24 that I was really shocked when one of the
25 commission said that they look at the original

1 cost of the infrastructure for the acquiring
2 company.

3 I mean there was a cost for building a
4 sewage treatment plant for Stonebridge Village.
5 That has been -- they don't use it anymore. And
6 to my -- to my understanding, it's actually been
7 dismantled and taken down.

8 Well, if you're going to look at
9 Missouri Water having acquired a sewage treatment
10 plant that costs \$2 million to put in, it's no
11 longer used because, as people have said, our
12 sewage is pumped directly to Branson.

13 We do not use or have a facility for
14 sewage treatment anymore. If that's part of
15 their calculation, I really beg the commission to
16 throw that number out because I'm sure it's a big
17 number.

18 JUDGE STEARLEY: To my knowledge,
19 Mr. Lund, only items that are infrastructure that
20 is being used and is useful in providing the
21 service finds its way into the calculations.

22 But attorneys out here and their staff
23 can correct me if I'm wrong on that. That should
24 not be being factored in.

25 MS. LEWIS: This acquisition was treated

1 no differently than any other acquisition before
2 the commission.

3 JUDGE STEARLEY: Okay. Very well.
4 Thank you. Commissioner Davis, did you have any
5 closing remarks?

6 COMMISSIONER DAVIS: No. But I was
7 going to say, Kim, you're back there. I think
8 maybe this lady right here, sir, she could
9 probably answer that question for you after the
10 hearing is over.

11 But like they just said, to the best of
12 my knowledge, if it's not used and useful, it's
13 not getting counted in rates.

14 JUDGE STEARLEY: All right. I did want
15 to let everyone know the evidentiary hearing for
16 this matter will be taking place in Jefferson City
17 starting February 21st. I believe we have it
18 scheduled for about ten days.

19 That hearing will be web cast on the
20 commission's web page. So if you have Internet
21 access, you can watch these hearings live as they
22 proceed.

23 It will not be until the end of May
24 before there will be a final decision in this
25 matter.

1 AUDIENCE MEMBER: I have one question.
2 Will it be beneficial for us to hire an attorney
3 familiar with how the Public Service Commission
4 works?

5 JUDGE STEARLEY: Well, you have an
6 attorney. Ms. Baker here from the Office of the
7 Public Counsel represents the rate payers.

8 If there are specific concerns you would
9 like to discuss with her regarding the way she's
10 going to be representing you, by all means, please
11 speak with her today or get her contact
12 information.

13 I can tell you she's a zealous advocate
14 on your part.

15 All right. If there's nothing else,
16 we're going to conclude the public hearing for
17 today.

18 So the public hearing in File Number
19 WR-2011-0337 in Branson, Missouri, is hereby
20 adjourned. Thank you all very much.

21 (The hearing was
22 concluded at 1:45 p.m.
23 on Wednesday, December
24 14, 2011.)

25 (Exhibit 1 was left in

1 the custody of the
2 court reporter and will
3 accompany the original
4 transcript upon
5 completion.)

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CERTIFICATE OF REPORTER

STATE OF MISSOURI)
) SS:
COUNTY OF GREENE)

I, Karen S. Rogers, Registered Professional Reporter, Certified Realtime Reporter, and Notary Public in and for the State of Missouri, do hereby certify that I was personally present at the taking of 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 that the foregoing is a full, true, and accurate transcription of such stenotype notes so made at such time and place, all to the best of my skill and ability.

Karen S. Rogers, RPR,
CCR No. 846, Notary Public

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